

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42278 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.49 of 2016 on the file of Cyber Crime Police Station, CCS, Hyderabad against the petitioner.

2. Heard and perused the material available on record.
3. Case of the petitioner is that respondent No.4 filed a false complaint against him before respondent No.3 and the same was registered as the aforesaid case for the offences punishable under Section 67 of the Information Technology Act, 2008 and Sections 506, 509 and 354 (A)(B)(D) I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.3 is trying to arrest him without following the due process of law.
4. Learned counsel for the petitioner submitted that the entire allegations made against the petitioner are false in nature and due to the filing of a complaint by the petitioner herein against respondent No.4 before Panjagutta Police Station, Hyderabad, which was numbered as Crime No.546 of 2016, respondent No.4 filed Crime No.49 of 2016 as a counterblast to Crime No.546 of 2016.
5. Learned counsel appearing for respondent No.4 submitted that respondent No.4 was being harassed by the petitioner since seven years prior to the filing of the complaint and she informed

the same to the parents of the petitioner for which, the petitioner kept quiet for sometime and subsequently, in the year 2016, he way laid her and misbehaved with her; that the truth or otherwise of the allegations made against the petitioner can be ascertained by the Investigating Agency during the course of investigation and the Court should not interfere with the investigation at the threshold and hence, prays this Court to dismiss this writ petition.

6. Learned Assistant Government Pleader for Home submitted that basing on the said complaint, a case was registered against the petitioner and respondent No.3 is investigating the matter in accordance with law.

7. Since the complaint was registered in the year 2016, this Court is not inclined to interfere with the investigation at the threshold. As rightly pointed out by the learned counsel for respondent No.4, this is a matter which requires investigation to find out the truth or otherwise of the allegations concerned, but the same can be done by the Investigating Agency without arresting the petitioner. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to cooperate with the investigation, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.3 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for

the like sum for his appearance as and when required for the purpose of investigation.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

6.12.2016
AMD



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Date: 6.12.2016

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