

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36053 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of Prohibition to declare the action of respondent No.1 in converting the lease issue pertaining to Hotel Jayalakshmi International, Bhimavaram, West Godavari District into a criminal case vide F.I.R.No.232 of 2016 as illegal and arbitrary and consequently, to prohibit respondent No.1 from further entertaining the said crime and to direct respondent No.2 to work out his civil remedies, if any.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.2 filed a complaint against him and another before respondent No.1 and the same was registered as the aforementioned case for the offences punishable under Sections 323, 448 and 506 read with 34 I.P.C.; that the complaint does not contain any incriminating material against him; that he never did any criminal activities and respondent No.1 is trying to arrest him without following the due process of law and hence, prays to direct respondent No.1 not to entertain the said F.I.R.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and another and respondent No.1 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, respondent No.1 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.

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

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

25.10.2016

Note:-

Furnish C.C. tomorrow.

B/O
AMD

JUSTICE RAJA ELANGO



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Date: 25.10.2016

AMD