

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38570 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records in connection with Crime No.105 of 2016 on the file of Palakurthy Police Station, Warangal District, and declare the same as illegal and arbitrary and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 417, 420, 504 and 506 r/w.34 IPC. The marriage of the petitioner is fixed with the daughter of the 4th respondent and engagement was also completed. Thereafter, the petitioner went to London since he is working there and subsequently, he made a phone call to the daughter of the complainant and stated that he is not interested in marrying her and he has bad habits, and therefore, he cheated the complainant and his daughter.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and in fact the contents of the complaint does not constitute offences under Sections 417 and 420 IPC and the complainant pressurized the parents of the petitioner for the marriage and due to subsequent developments, the petitioner does not want to marry her and informed the same to her.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and the respondents are investigating into the matter in accordance with law.

The petitioner filed the present writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondents Nos.2 and 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, and execute bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance before the investigating officer for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 09, 2016.
KTL

