THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38936 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to call for the records in F.I.R. No.50 of 2016, dated 14-09-2016 on the file of the Judicial Magistrate of First Class, Nandikotkur, Kurnool District and quash the same by issuing a writ of *certiorari* or any other appropriate writ, order or direction as same is illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against petitioners are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioners.

However, admittedly, the F.I.R. in this case was registered on the basis of reference made under Section 156(3) Cr.P.C. by the learned Magistrate, but the learned Magistrate has not followed the procedures in forwarding the complaint for registration of the same.

Further, in view of submissions of the learned counsel for petitioners that petitioners are apprehending of their arrest in view of the pendency of the above crime, the police concerned are directed to complete the investigation into the crime without arresting the petitioners and file the final report, if any, in accordance with law. The petitioners are directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety for a like sum each to the satisfaction of the Investigating Officer for their future appearance as and when required by the investigating agency for the purpose of investigation

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

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JUSTICE RAJA ELANGO

11.11.2016

skmr