

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42837 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to set aside the proceedings in Crime No.271 of 2016 on the file of Godavarikhani I Town Police Station, Godavarikhani, Karimnagar District.

2. Heard and perused the material available on record.
3. Case of the petitioner is that respondent No.3 filed a false complaint against him before respondent No.2 and the same was registered as the aforementioned case for the offences punishable under Sections 364 and 302 read with 34 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.2 is trying to arrest him without following the due process of law.
4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and respondent No.2 is investigating the matter in accordance with law.
5. The main contention of the learned counsel for the petitioner is that the name of the petitioner is not found in the F.I.R., but it is informed by the learned Assistant Government Pleader by way of counter that the petitioner is arrayed as an accused on the basis of the confession of co-accused and specific overt acts are attributed against him and the petitioner has also moved anticipatory bail and the same was dismissed on merits.

The said facts were not informed by the petitioner in the affidavit filed before this Court. Even the offences alleged are serious in nature. Hence, this Court is not inclined to interfere with the investigation in the said case and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

22.12.2016
AMD



JUSTICE RAJA ELANGO

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Date: 22.12.2016

AMD