

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.29 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.417 of 2016 on the file of V Town Police Station, Nellore, Sri Potti Sri Ramulu Nellore District 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 aforementioned case for the offences punishable under Sections 307 and 120-B 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.3 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.3 is investigating the matter in accordance with law.
5. Though an offence punishable under Section 307 I.P.C. is alleged against the petitioner, there are no specific overt acts against him. 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 for a period of ten (10) days and also execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

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.

3.1.2017
AMD



JUSTICE RAJA ELANGO

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