

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.26 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the registration of Crime No.48 of 2016 on the file of Indrapalem Police Station, Kakinada Rural Mandal, Kakinada, East Godavari District against the petitioners.

2. Heard and perused the material on record.

3. Case of the petitioners is that respondent No.5 filed a false complaint against them before respondent No.4 and the same was registered as the aforementioned case for the offences punishable under Sections 447 and 506 read with 34 I.P.C.; that the complaint does not contain any incriminating material against them; that they never did any criminal activities and respondent No.4 is trying to arrest them 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 petitioners and respondent No.4 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners and in view of the fact that the offences alleged are punishable with imprisonment of less than seven years, without expressing any opinion on merits, respondent No.4 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 petitioners. The petitioners are directed to appear before respondent No.4 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their 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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Date: 3.1.2017

AMD