

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.25451 of 2017

ORDER :

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“ to call for the records relating to F.I.R.No.89 of 2017 on the file of the Station House Officer, Malikipuram Police Station, Malikipuram, East Godavari District, Andhra Pradesh and quash the same in so far as petitioners/ A2 to A4 are concerned by issuing a writ of certiorari or any other appropriate writ, order or direction as the same is illegal, arbitrary and abuse of process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for petitioners and learned Government Pleader for Home appearing for respondents 1 to 3 before ordering notice to respondent No.4 and perused the prayer in the writ petition and F.I.R.

A perusal of the F.I.R. clearly shows that though it was registered for the offences punishable under Sections 376(2) and 506 r/ w 34 I.P.C, as per the allegations contained therein, the offence attracted against petitioners/ A2 to A4 is only under Section 506 I.P.C.

Having regard to the above, the investigation shall go on but the petitioners/ A2 to A4 shall not be arrested till completion of investigation.

Accordingly, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

Date: 02.08.2017
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Dr. B. SIVA SANKARA RAO, J