

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.349 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating to FIR No.407 of 2016 on the file of Balanagar Police Station, Cyberabad, as illegal and arbitrary, and quash the proceedings therein.

The offences alleged against the petitioner are under Sections 493, 417 and 420 IPC. The 4th respondent lodged a complaint against the petitioner alleging that she got acquaintance with the petitioner through Facebook and thereafter, they moved closely and the petitioner proposed to marry her and on believing his words, she continued friendship with him and when she got pregnancy, she asked him to marry her, but the petitioner told her that he would talk with his elders and thereafter, he postponed the matter and did not respond to the request of the 4th respondent, and on 14.12.2016, she blessed with a female child.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and earlier, he used reside at Bangalore and thereafter at Pune, and therefore, the question of meeting the 4th respondent and moving with her closely her does not arise and that the 4th respondent with an ulterior motive filed the present complaint.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and

another, and the police concerned are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, without expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned daily between 10.00 am and 5.00 pm, for a period of (15) days and execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum for his future appearance as and when required for the purpose of investigation. The petitioner is further directed to cooperate for the medical examination, if necessary, and also subject himself to DNA test.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

January 04, 2017
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