

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.14486 of 2017

ORDER:

This Writ Petition is filed challenging the registration of FIR No.19 of 2017, dated 27.01.2017, by the second respondent on the complaint lodged by the third respondent.

Learned Counsel for the petitioners submits that pursuant to registration of the complaint, the Police issued a notice under Section 41-A of the Code of Criminal Procedure and in response to the same, the petitioners already attended the enquiry. He further submits that since the petitioners are not habitual offenders and do not evade the process of law, there is no need for arresting the petitioners as a matter of course. He relied on the decision of the Supreme Court in **Joginder Kumar v. State of U.P¹**.

In view of the law laid down by the Supreme Court in **Joginder Kumar's** case (supra), it is for the second respondent to take the same into consideration and complete the investigation. The petitioners state that there is apprehension of arresting them. But, in view of the safeguards provided by the Supreme Court in **Joginder Kumar's** case (supra), it is for the investigating officer to take appropriate decision.

The Writ Petition is, accordingly, disposed of with the above observation. The miscellaneous petitions pending in this

¹ (1994) 4 SCC 260

Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

21.04.2017

Note: Issue C.C in two days.

B/o.

vs

