

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.462 of 2017

ORDER:

The petitioner filed this Writ Petition by invoking the provisions under Article 226 of the Constitution of India, seeking to declare the action of the 2<sup>nd</sup> respondent in registering FIR No.345 of 2016, and quash the same.

Heard and perused the material available on record.

The case in brief is that A1 is the wife of the petitioner and she got a job in Cooperative Department, Ongole, and thereafter, she changed her behaviour and had illegal intimacy with A2 and A1 and A2 committed theft of the complainant's vehicle i.e. Honda Activa, and also the ATM Card of the complainant.

Learned counsel for the petitioner submitted that the allegations made against the petitioner are absolutely false and there are matrimonial disputes between the 3<sup>rd</sup> respondent and his wife and since he has friendship with the wife of the 3<sup>rd</sup> respondent, he was implicated in the present case and that the present complaint is referred under Section 156 (3) Cr.P.C., by the Magistrate without following the due process of law.

Learned Additional Government Pleader for Home submitted that basing on the complaint, the above case is registered against the petitioner and another and the police concerned are investigating into the matter.

The petitioner filed this writ petition challenging the 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 circumstances of the case, and the grievance of the petitioner, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2<sup>nd</sup> 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 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

January 04, 2017.  
KTL

RAJA ELANGO, J

