

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash F.I.R.No.58 of 2016 on the file of Atmakur Police Station, Kurnool District.

Heard and perused the material available on record.

Case of the petitioner is that the 3rd respondent filed a false complaint against him before the 2nd respondent and the same was registered as the aforementioned case for the offences punishable under Sections 420 r/w.120(B) and 409 IPC; that the complaint does not contain any incriminating material against him; that he never did any criminal activities and the 2nd respondent is trying to arrest him without following the due process of law.

Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and the police concerned are investigating the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioner, 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 2nd respondent is directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before the 2nd respondent daily

between 10.00 am and 5.00 pm for a period of one month, and also execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

RAJA ELANGO, J

January 06, 2017.
KTL



