

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.450 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to declare the proceedings in FIR No.279 of 2016 on the file of Hussaini Alam Police Station, Hyderabad, as illegal and arbitrary, and consequently, set aside the same.

The offences alleged against the petitioner are under Sections 448 and 506 r/w.34 IPC and 25(1-B) of the Arms Act. The case in brief is that the de facto complainant – 3rd respondent lodged a complaint before the 2nd respondent alleging that on 04.11.2016 the petitioner along with others trespassed into his office by possessing daggers, and threatened to kill them.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner never involved in any incident more particularly, on 04.11.2016, and as per the complaint, the offence took place on 04.11.2016 and the same was complained to the police on 26.12.2016 and there is inordinate delay in lodging the complaint and there is no sufficient reason for the delay caused, and hence, he requested to set aside the proceeding in the above said case.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and others, and the respondents 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 going into the merits of the case, 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 and file a final report in either way, in the above Crime, in accordance with law, 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 as and when required for the purpose of investigation.

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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