

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45853 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in F.I.R.No.140 of 2016 on the file of Amrabad Police Station, Nagarkurnool District (Mahabubnagar District) against the petitioner.

2. Heard and perused the material available on record.

3. Case of the petitioner is that respondent No.5 filed a false complaint against him before respondent No.4 and the same was registered as the aforementioned case for the offences punishable under Sections 376 and 506 I.P.C.; that the complaint does not contain any incriminating material; that he never did any criminal activities and respondent No.4 is trying to arrest him without following the due process of law.

4. Learned counsel for the petitioner mainly contended that there is a dispute between the petitioner and respondent No.5; that on 4.11.2016, there was a panchayat in connection with the dispute between the petitioner and respondent No.5 in which the Sarpanch of their local area intervened and compromised the issue whereas the present complaint was given on 10.11.2016 as if the offence was committed on 6.11.2016 and that the facts in the complaint clearly indicate that the complaint was lodged by respondent No.5 only with an intention to take revenge against the petitioner.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and respondent No.4 is investigating the matter in accordance with law.

6. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to cooperate with the investigation, without expressing any opinion on merits, respondent No.4 is hereby 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 respondent No.4 and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation and also for the purpose of medical examination.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

4.1.2017
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.45853 OF 2016

Date: 4.1.2017

AMD