

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.11341 of 2018

ORDER:

In this Writ Petition, the petitioners are seeking writ of mandamus declaring the action of 5th respondent in registering Crime No.69 of 2018 as illegal and consequently, to quash the said F.I.R.

A perusal of the crime No.69 of 2018 would show that the same was registered against the petitioners for the offences under Sections 143, 452, 323, 324, 506 read with 149 of I.P.C. and investigation is reported to be pending.

The submission of learned counsel for the petitioners is that there are civil disputes pending between the parties. O.S.No.302 of 2017 and O.S.No.72 of 2017 are filed and F.I.R.No.69 of 2018 was lodged with false averments.

Having regard to the prima facie accusation found in the complaint in Crime No.69 of 2018, it is not apposite to quash the proceedings by giving direction of mandamus.

Therefore, investigation shall lead to its logical end. However, the 5th respondent-Station House Officer, Addanki Police Station, during the course of investigation, is directed to follow the guidelines of the apex court rendered in *ARNESH KUMAR Vs. STATE OF BIHAR* ⁽¹⁾ and also follow the provision under Section 41-A Cr.P.C. towards

¹ 2014 (3) ACR 2670 (SC)

the petitioners. In turn, the petitioners shall cooperate with the investigating agency for smooth completion of investigation.

Accordingly, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending if any, shall stand closed.

JUSTICE U.DURGA PRASAD RAO

Dated 9th April, 2018.

Dvs



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