

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.655 of 2015

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ORDER:

Heard.

The petitioners state that on 09-01-2015 their rice mill is alleged to have been inspected by the Mandal Revenue Officer, Amarthaluru along with some other people and alleging that they are collecting PDS rice and selling at high rate by polishing them, seized 211 bags of PDS rice each containing 50 kgs. and 74 bags of changed rice each containing 25 kgs. by conducting panchanama. Basing on the said panchanama, a case in Cr.No.2 of 2015 is registered by the 3rd respondent under Section 7 of the Essential Commodities Act and Section 420 IPC. The petitioners state that since registration of the said crime, officers of the 3rd respondent police station are threatening them and their family members. The present writ petition, therefore, is filed seeking a direction to the respondent police to follow the ratio of the decision of the Hon'ble Supreme Court in **ARNESH KUMAR VS.**

STATE OF BIHAR AND ANOTHER^[1].

The instructions received by the learned Government Pleader show that after registration of the aforesaid case, the Investigating Officer tried to serve notices on the petitioners under Section 41-A Cr.P.C., but the petitioners-accused are stated to have been absconding. It is also stated that except registration of the aforesaid case against the petitioners, the respondent police never harassed the petitioners as alleged by them.

Evidently, the notices could not be served on the petitioners, as they are not available. However, the learned counsel for the petitioners states that the petitioners are very much available at the residence as shown in the cause title and she also submits that the petitioners will appear before the Investigating Officer as and when

required and co-operate with the investigation.

In view of that, the writ petition is disposed of permitting the petitioners to appear before the 3rd respondent and cooperate with the investigation. The 3rd respondent, who is the Investigating Officer, shall thereafter follow the procedure in accordance with law and complete the investigation in the crime aforesaid and file appropriate report/charge-sheet before the jurisdictional court. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 29-01-2015

Prv

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29-01-2015

[\[1\]](#) (2014) 8 SCC 273