

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42402 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering a case in Crime No.84 of 2016 on the file of Adoni III-Town Police Station, Kurnool District, as illegal and arbitrary and consequently quash the proceedings against them.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 452, 324, 323, 506 and 307 r/w.34 IPC. It is alleged that the de facto complainant is doing milk business at Havannapet, and on the date of incident, the worker of the de facto complainant parked his cycle in front of the shop and verifying the accounts, A1 dashed his cycle with his bike, and when questioned the same by the de facto complainant and his worker, A1 abused them and thereafter, he came along with the petitioners and attacked the de facto complainant with iron rod and abused them in filthy language. The grievance of the petitioners is that the de facto complainant is doing the business in a narrow street and also obstructing the traffic by placing the chairs on the road and when the same was questioned by the petitioners, he picked up a quarrel with them and filed the false complaint.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners and others, and the respondents are investigating into the matter in accordance with law.

The petitioners filed the present writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 3rd respondent is directed to complete the investigation in the above crime, and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are 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) each with one surety for the like sum each, for their future appearance, as and when required by the investigating officer, for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 06, 2016.
KTL