

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36108 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in FIR No.191 of 2016 on the file of the 2nd respondent.
2. Heard and perused the material available on record.
3. It is the grievance of the petitioners that the 3rd respondent, who is their adjacent land owner, started interfering with their possession claiming way through their lands and then, the petitioners filed a civil suit against the 3rd respondent and obtained interim injunction. Disobeying the interim order, when the 3rd respondent again made attempts to trespass into their land, the 2nd petitioner lodged a complaint before the 2nd respondent and as a counter-blast to the said complaint, the 3rd respondent lodged the present complaint.
4. The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioners.
5. Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioners.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 25th October, 2016

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Date: 25th October, 2016

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