

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35535 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioners to declare the action of the 2nd respondent – Station House Officer, Mahadevpur Police Station, Jayashanker Bhupalpalli District, in registering FIR No.108 of 2016 against the petitioners for the offences under Sections 409, 420, 468 and 471 r/w.34 IPC, as arbitrary and illegal, and consequently, quash the same.

The case in brief is that on the complaint made by the 3rd respondent alleging that without there being any valid permission from the higher officials, the names of the petitioners are entered in the 1B Register for the land in Sy.Nos.182, 279 and 124 of Suraram Village, 2nd respondent registered the above case.

The grievance of the petitioners is that since they are landless poor, the Tahsildar, Mahadevpur issued patta certificates in the subject land and their names also mutated in the concerned revenue records and they also requested the Tahsildar to conduct survey and to fix the boundaries and when the matter stood thus, the 3rd respondent, who is working as Mandal Revenue Inspector, with a malafide intention, filed the present complaint with false allegations.

Learned counsel for the petitioners submitted that the petitioners are innocent of the above said offences and they never involved any of the offences alleged against them and that they are ready to cooperate with the investigation.

Considering the grievance of the petitioners, without expressing any opinion on merits, the 2nd respondent is directed to complete the investigation in Crime No.108 of 2016 of Mahadevpur Police Station, Jayashanker Bhupalapalli District, 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 daily between 10.00 am and 5.00 p.m., for a period of ten (10) days, and produce all the relevant documents and cooperate with the investigation.

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

October 21, 2016.
KTL



RAJA ELANGO, J

