

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38708 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to quash the FIR No.222 of 2016 on the file of Alipiri Police Station, Tirupathi Urban, and consequently, quash the same.

Heard and perused the material available on record.

The case in brief is that the de facto complainant lodged a complaint stating that the petitioners and others trespassed into her land and removed iron rods and fencing, and committed theft of iron fencing material.

The grievance of the petitioners is that they are absolute owners of the subject land and that the de facto complainant filed a civil suit against the petitioners for declaration of title and for injunction, and during the pendency of the civil suit, the present case is filed by influencing the police.

The petitioners filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the respondents 2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and

execute personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for their appearance before the investigating officer as and when required 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

November 10, 2016.
KTL

