

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44386 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records pertaining to FIR No.488 of 2016 on the file of Karimnagar Rural Police Station, Karimnagar, and quash the same.

The offences alleged against the petitioners are under Sections 447, 427, 506 and 384 r/w.34 and 109 IPC. The case in brief is that the de facto complainant – 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioner has trespassed into his house site along with some persons, where the construction work is going on, and dismantled the walls and caused damage to a tune of Rs.1,00,000/- and extorted an amount Rs.1,000/- from the de facto complainant, and threatened him with dire consequences, stating that the said site belongs to him.

Heard and perused the material available on record.

The learned counsel for the petitioner submitted that the petitioner is the absolute owner and possessor of the subject land and when some persons tried to encroach the said land, he approached the civil court and obtained injunction in his favour and that thereafter, due to hike in land prices, the 3rd respondent with an intention to grab the land, tried to trespass into the same, along with some persons, and since the petitioner resisted his acts, he filed the present complaint with false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and

the police concerned are investigating into the matter in accordance with law.

The petitioner 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 circumstances of the case, without expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 20, 2016.
KTL

