

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38577 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering FIR No.475 of 2016 against them, for the offences under Sections 447, 427 and 506 IPC, as illegal and arbitrary.

Heard and perused the material available on record.

The 4th respondent lodged a complaint against the petitioners alleging that the petitioners trespassed into their plots, which are purchased by them from the Shastripuram Cooperative House Building Society around 34 years back, and damaged the compound walls of the plots and on questioning by the 4th respondent, they threatened him with dire consequences. The grievance of the petitioners is that there civil disputes between the petitioners and the 4th respondent and that the 4th respondent has encroached the property of the petitioners, which is adjacent to his property and file the present case with false allegations.

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

The petitioners filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation, considering the facts and circumstances of the case and the grievance of the petitioners, without going into the merits of

the case, the respondents 2 and 3 are 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 personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum each, for their future appearance 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.

November 09, 2016
KTL

RAJA ELANGO, J



