

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43717 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.105 of 2016 on the file of Atchampet Police Station, Guntur District, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 420 and 506 r/w.34 IPC. The case in brief is that the 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioners are collecting Rs.3,000/- each from the formers in order to release water from lift irrigation scheme by not giving receipts.

Learned counsel for the petitioners submitted that the 2nd petitioner is the President of Sri Sattemmathalli Etipothala Padhaka Rythu Abhivruddi Sangam, and that the petitioners are operating the lift irrigation scheme and supplying water to the ayacutdar without any complaint from anybody, but the 3rd respondent, who is not a member in the society, has lodged the above complaint with false allegations.

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

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 circumstances of the case, this Court is of the view

that the above crime can be investigated into, without arresting the petitioners.

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 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) each with one surety for the like sum each 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 order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 16, 2016.
KTL

RAJA ELANGO, J



