

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40156 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to Crime No.64 of 2016 on the file of Duttalur Police Station, SPSR Nellore District, for the offences under Sections 447 and 427 IPC against the petitioners, and consequently, set aside the same.

The de facto complainant lodged a complaint against the petitioners alleging that they trespassed into her land and tried to damage the Eucalyptus tress, which the de facto complainant sold 20% of the crop.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that they purchased the subject land and that the de facto complainant is claiming that the said land was purchased by her husband and also filed a civil suit for permanent injunction and that with a view harass the petitioners, she lodged the above compliant and that the petitioners are apprehending arrest.

The learned Assistant Government Pleader for Home submitted that on the basis of the complaint, a case was registered against the petitioners, and 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 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 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 a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) 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.

November 21, 2016.
KTL



RAJA ELANGO, J