

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44133 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering the FIR in Crime No.489 of 2016, on the file of the Mahabubnagar Rural Police Station, Mahabubnagar District, as illegal and arbitrary.

Heard and perused the material available on record.

The grievance of the petitioner is that one G. Kashi, Sub-Inspector of Police, Mahabubnagar Rural Police Station, lodged the present complaint against the petitioner, alleging that on 11.12.2016 morning hours, while the *de facto* complainant along with staff were performing patrolling from Appannapally to Mahabubnagar, at 11.00 hours near SVS Hospital, they found one lorry bearing No.TS 06 IA 7989 was transporting the sand towards Mahabubnagar side and they stopped the said vehicle and when the police enquired the driver-cum-owner of the said vehicle, who is the petitioner herein, the petitioner confessed that on 11.12.2016, he loaded the sand into his lorry in the limits of Jadcherla and transporting towards Mahabubnagar to sell the same for illegal gain without permission and valid documents. The *de facto* complainant seized the said sand. Basing on the said complaint, the 2nd respondent registered a case in Crime No.489 of 2016 against the petitioner for the offences punishable under Section 379 IPC and Section 21(i) of the Mines & Mineral Development and Regulation Act, 1957 and Section 3 of the PDPP Act.

The main grievance of the petitioner is that the petitioner is apprehending arrest in the hands of the 2nd respondent, even

though the petitioner is having valid permit for transportation of sand.

Considering the said facts and circumstances, the 2nd respondent is directed to complete the investigation in Crime No.489 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. The petitioner is directed to execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum to the satisfaction of the Investigation Officer concerned as surety for his future appearance for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.



RAJA ELANGO, J

Date: 26th December, 2016

KL