

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36618 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in Crime No.214 of 2016 on the file of M.R. Palli Police Station, Tirupati Urban, Chittoor District.

Heard and perused the material available on record.

The 3rd respondent lodged a complaint against the petitioners before the 1st respondent stating that the petitioners, with fraudulent and dishonest intention to grab the lands belonging to Sri Swamy Hathiramjee Mutt, created fake power of attorney and obtained an ex-parte injunction with regard to the subject land and with the help of GPA trying to criminally trespass into the land.

The grievance of the petitioners is that the Kochi family are the owners of a vast extent of land and some portion of land was sold to third parties through GPA holder and that the 3rd respondent is interfering with the possession of the petitioners and made false complaints and there are civil suits are pending between the parties, and without following due process of law, the police are trying to arrest the petitioners.

The learned Assistant Government Pleader 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.

Considering the facts and circumstances of the case and the grievance of the petitioners, and since the matter is arising out of civil disputes, without expressing any opinion on merits, the 1st respondent is 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 as and when required and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

October 28, 2016

KTL



RAJA ELANGO, J