

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44257 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records in FIR No.113 of 2016, dated 28.08.2016, on the file of the Station House Officer, Thondangi Police Station, Thondangi, East Godavari District and to quash the same.

Heard and perused the material available on record.

The case of the petitioners is that the 3rd respondent lodged the present complaint against the petitioners, which was registered by the 2nd respondent as FIR No.113 of 2016 against the petitioners for the offences under Sections 143, 147, 148, 323, 447, 427, 436, 506 & 149 IPC. It is alleged in the above said complaint that on 28.08.2016 at about 12.30 p.m., all the accused persons i.e., 21 members formed themselves as unlawful assembly in the leadership of the 1st petitioner, armed with deadly weapons, trespassed into the lands belonging to Divi's Lab, situated in Survey No.483 of Kona forest, situated in the village limits of Kothapakalu and roamed in the site, stopped the work attending by the labour, abused them in filthy language and threatened them with dire consequences and during the process, the Gunman of the 1st petitioner forcibly pulled away the mobile phone from an employee by name B. Thirupathaiah and damaged his phone and two of the accused caught hold of him and beat him with hands and abused him in filthy language and threatened him with dire consequences and that all the accused caused damage to the palm ballies, cement poles and palm leaves in

the shed, which was under construction and put them to fire on the spot.

The grievance of the petitioners is that a false case is foisted against the petitioners with a *mala fide* and fraudulent intention to harass the petitioners and to restrain from showing the protest of the petitioners for establishing the chemical factory by the 3rd respondent company by forcefully occupying the lands of the innocent public and against the wishes of the public.

Considering the said facts and circumstances, the 2nd respondent is directed to complete the investigation in FIR No.113 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each to the satisfaction of the Investigation Officer concerned as surety for their 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

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