

THE HON' BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35450 of 2016

ORDER:

This Writ Petition is filed by the petitioners seeking to call for the records relating to Crime No.312 of 2016 of II-Town Police Station, Nalgonda, Nalgonda District, registered for the offences under Sections 420 and 506 IPC, and consequently, quash the same.

Heard and perused the material available on record.

The 5th respondent made a complaint before the 2nd respondent stating that the petitioners sold their plots to him through a valid sale deed and delivered the possession also. Subsequently, when one Smt. Hussena Begum raised a compound wall in the said plots, the 5th respondent objected for the same and got surveyed the said plots by the Mandal Surveyor, and the report of the Surveyor revealed that the said plots fall in Sy.No.1348, but not in the survey numbers which the petitioners sold to the 5th respondent. Therefore, he made a complaint to the 2nd respondent against the petitioners alleging that they cheated him.

The learned counsel for the petitioners submits that only basing on the report of the Mandal Surveyor, the 5th respondent made the complaint and that the issue arising out of civil dispute and the 2nd respondent without conducting any enquiry and without issuing any notice to the petitioners, is trying to arrest them without following due process of law.

The learned Assistant Government Pleader submitted that on the basis of the complaint filed by the 5th respondent, 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, without expressing any opinion on merits, respondents Nos.2 to 4 are directed to complete the investigation in Crime No.312 of 2016 of II-Town Police Station, Nalgonda, Nalgonda District, and file a final report, in accordance with law in either way, without arresting the petitioners.

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

October 20, 2016.
KTL

RAJA ELANGO, J

