

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45698 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering the case in Crime No.300 of 2016 on the file of III-Town Police Station, Kothagudem Head Quarter, Bhadradi Kothagudem District, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 447, 427, 379 and 324 r/w.34 IPC and 3 of PDPP Act. The allegation against the petitioner is that he along with other accused involved in illegal transportation of sand by trespassing into the government prohibited sand stream.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and that the de facto complainant lodged a false complaint, basing on which the police are trying to arrest him without following due process of law.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the petitioner and others, and the police concerned are investigating into the matter in accordance with law.

The petitioner 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 circumstances of the case, and the grievance of the petitioner, without

expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in either way, in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is 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 for his future appearance before the investigating officer as and when required for the purpose of investigation.

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

December 27, 2016.
KTL

RAJA ELANGO, J



