

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40474 of 2016

ORDER:

The present writ petition is filed seeking to declare the FIR No.142 of 2016 on the file of Anankapalli (R) Police Station, Visakhapatnam, registered for the offences under Sections 447, 427, 323 and 506 IPC, and 3 (1) (s) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act (for short 'the Act'), as illegal and arbitrary and quash the proceedings against him in the above crime.

The allegation against the petitioner is that he trespassed into the land of the complainant and forced him to sell his land to him and also damaged the field bed with JCB and caused loss, and also beat the complainant and abused him in the name of his caste.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is doing real estate business and that neighbouring plots of the de facto complainant were sold by the petitioner to third parties and that de facto complainant also agreed sell his land and later he demanded high price, therefore, the sale transaction was cancelled and hence, he filed the present case with false allegations.

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

The petitioner filed this writ petition challenging the 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 facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the respondents 2 and 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation. In case, the charge sheet is filed before the Court concerned, and summons are received by the petitioner, he shall appear before the Court concerned and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance.

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

RAJA ELANGO, J

November 23, 2016.
KTL

