

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42400 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating to FIR No.124 of 2016 on the file of Cherla Police Station, Bhadradri Khammam District, registered for the offences under Sections 420 r/w.120-B IPC and 19(a) and 21 of the Seeds Act, and 3 (1) of Seeds (Control) Order, and consequently, set aside the same.

Heard and perused the material available on record.

The case of the petitioner is that on the complaint made by the 4th respondent, alleging that he purchased mirchi seeds of Sri Sai Datta Company through the petitioner, believing the words of A3 that the said seeds give good results in mirchi crop and the said seeds resulted nil crop, the above crime is registered. The grievance of the petitioner is that he never sold any mirchi seeds to the de facto complainant and that he has no acquaintance with the petitioner or A3, and that he is an agriculturist and running a nursery and that basing on the false complaint, the 3rd respondent is trying to arrest him.

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

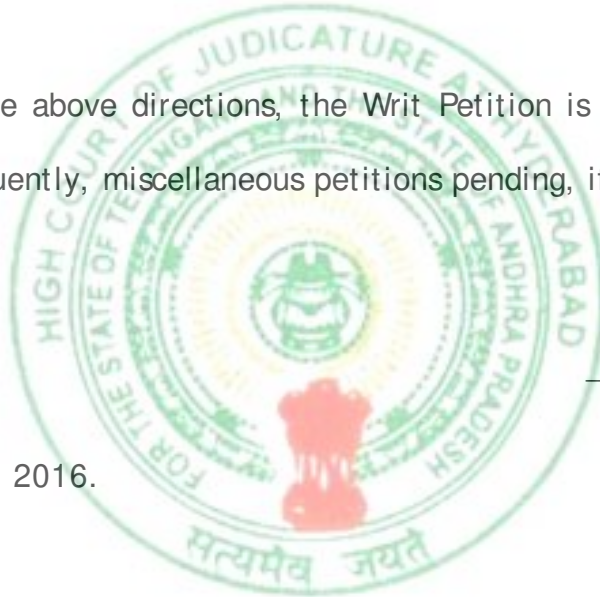
The petitioner filed the present writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, considering the facts and circumstances of the case and the grievance of the petitioner, without

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 in the above crime, and file a final report, in accordance with law in either way, 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, as and when required by the investigating officer, for the purpose of investigation.

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

December 06, 2016.
KTL



RAJA ELANGO, J