

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37963 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of 2nd respondent in registering the F.I.R.No.95 of 2016 against the petitioner as illegal and arbitrary.

The petitioner has been working as Archaka Swamy in Sri Chennakesava Swamy Devasthanam, situated at Karachola Village, Edlapadu Mandal, Guntur District. It is the case of the petitioner that basing on the letter addressed by the 3rd respondent, who is the Executive Officer of the Temple, the 2nd respondent registered a case in F.I.R.No.95 of 2016 on 30.10.2016 for the offences under Sections 420, 468 and 471 of IPC against the petitioner on the allegations that the petitioner has tampered the revenue records in respect of land to an extent of Ac.31.31 cents of Karuchola Village and that the name of the petitioner is recorded instead of Chennakesava Swamy Vari Devasthanam.

Heard and perused the material available on record.

Now, the learned counsel for the petitioner submits that on coming to know that the name of the petitioner was wrongly entered by the revenue authorities in the records, petitioner himself made an application to the authorities concerned to correct the records and accordingly, necessary corrections are carried out in the revenue records and now, the said land stands in the name of the Chennakesava Swamy Vari Devasthanam. Further it is informed that the petitioner is not having any claim over the said property as the said land belongs to the

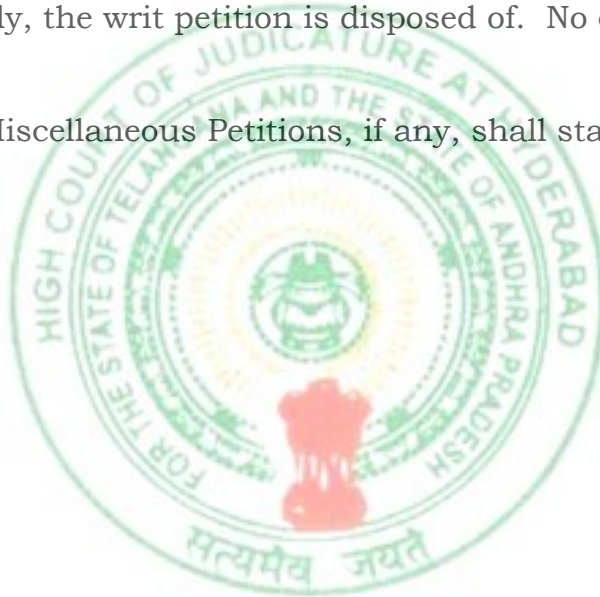
said temple. But, the learned counsel for the petitioner submits that in view of pendency of the above crime, the petitioner is apprehending arrest and harassment in the hands of 2nd respondent-police.

Recording the above submission of the learned counsel for the petitioner, the 2nd respondent is directed to complete the investigation in F.I.R. No.95 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2nd respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

21.11.2016.
Tsr



RAJA ELANGO,J

