

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36899 of 2016

ORDER

This writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering the case in Crime No.185 of 2016 of Venkatagiri Police Station, SPSR, Nellore District, as illegal and arbitrary.

2. It is stated in the affidavit that the 3rd respondent herein lodged a complaint alleging that the petitioners and others have trespassed illegally into his land and threatened him with dire consequences by causing damage to the planted fencing cement stones due to land disputes and also took away 18 cement bags worth Rs.7,000/-. Based on the said complaint, the 2nd respondent registered a case in Cr.No.185 of 2016 for the offences punishable under Sections 447, 427, 379, 506 read with Section 34 IPC against the petitioners. It is stated that due to civil disputes, the petitioners have been implicated falsely and that the 2nd respondent is trying to arrest the petitioners, without following due process of law.

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

4. The main grievance of petitioners is that the 2nd respondent did not conduct any enquiry and did not issue any notice to them

and that he is trying to arrest them without following due process of law.

5. Considering the facts and circumstances of the case and in view of the grievance of petitioners, without expressing any opinion on merits, respondents Nos.1 and 2 are directed to complete the investigation in Crime No.185 of 2016 of Venkatagiri Police Station, SPSR, Nellore District, and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the investigating agency as and when required.

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



JUSTICE RAJA ELANGO

31st October, 2016

sj

