

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35407 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings against him in Crime No.363 of 2016 on the file of IV Town Police Station, Kurnool, Kurnool District.

2. Heard and perused the material available on record.

3. In the complaint, it is stated that the petitioner and his brother are the absolute owners of the land in dispute and their names were mutated in the revenue records about 30 years back and that the 5th respondent made an application to Tahsildar for issuance of pattadar pass book in respect of the land in question and then, the petitioner filed W.P.No.21164 of 2016 seeking to declare the action of the Tahsildar in contemplating to issue pattadar pass book and title deed in favour of the 5th respondent. Subsequent to the same, the 5th respondent filed the present complaint against the petitioner with false allegations. It is further stated that the 5th respondent converted the civil litigation into criminal proceedings.

4. The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioner.

5. Accordingly, respondents Nos.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 20th October, 2016
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Date: 20th October, 2016

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