

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38705 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering Crime No.697 of 2016 for the offences under Sections 420, 468, 471, 379 and 506 r/w.120(B) IPC against the petitioners, as illegal and arbitrary.

The case in brief is that the de facto complainant filed a private complaint stating that the petitioners and others have trespassed into his property and demolished the room, and threatened him with dire consequences, and the other accused in collusion with the petitioners fabricated two sale deeds and claiming ownership.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners are the owners of the subject land and the de facto complainant sold away his properties long back and now interfering with possession of the petitioners, and that the de facto complainant filed the private complaint which was referred to the police without following due process of law.

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

The petitioners 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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the respondents 2 & 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum each for their appearance before the investigating officer as and when required 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.

November 10, 2016.
KTL

RAJA ELANGO, J



