

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42370 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.87 of 2016 on the file of the Vemula Police Station, Kadapa District, and quash the same.

On receiving intimation from the Government Hospital, Pachakuntapalli, Vemula village, the police went and recorded the statement of 3rd respondent, wherein he stated that the petitioners encroached the land belong to him and his brother, and when he asked about their act, the petitioners attacked him and his family members, and caused grievous injuries to him. Basing the above statement, the above case is registered against the petitioners.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that there are civil disputes between the parties, and that petitioners are the owners of the subject land and that there are civil suits pending with regard to the said land and that the petitioners lodged a complaint before the police on the date of incident i.e. 20.11.2016 itself, against the 3rd respondent and his family members, but the police without investigating into the said case, registered the present case and trying to arrest them.

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

The petitioners filed this writ petition challenging 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, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is 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.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 06, 2016.
KTL

