

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43643 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to call for the records relating to Crime No.100 of 2016, on the file of Nagayalanka Police Station, Krishna District, and quash the proceedings against them.

Heard and perused the material available on record.

The case in brief is that there is a dispute between two villagers of Nagayalanka and Remalavarlipalem villages with regard to choosing of burial ground and on the orders of Mandal Executive Magistrate, proceedings under Section 144 Cr.P.C. are implemented and when those proceedings are in force, the petitioners came with a dead body of one Yerramsetti Venkateswaramma and tried to enter into the disputed burial ground and when the police tried to stop them, they deterred them from discharging their duties and put the dead body on the road and conducted rasta-roko and caused obstruction to traffic.

The grievance of the petitioners is that the 4th respondent, without going into the contents of the complaint lodged by the 5th respondent, simply registered the above case and trying to arrest the petitioners without following the due process of law.

The petitioners 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 and without going into the merits of the case, this Court is of the view that the investigation can be completed without arresting the petitioners.

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 petitioners. The petitioners are 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 appearance before the investigating agency as and when required for the purpose of investigation.

With the above directions, 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: 15th December, 2016

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