

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41684 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering FIR No.137 of 2016 on the file of Yerpedu Police Station, Tirupathi Urban, for the offences under Sections 427, 457 and 380 r/w.34 IPC, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The allegation against the petitioners is that they entered into the house of the de facto complainant with an intention to take away the red sandal logs and they broke open the lock of the house and destroyed the belongings and also taken away cash of Rs.50,000/- and also belongings worth Rs.2,00,000/-.

The main grievance of the petitioners is that the alleged incident took place on 01.08.2016 and the complaint was lodged on 16.11.2016 and there is inordinate delay in lodging the complaint and that A2 purchased the agricultural land belongs to the de facto complainant through an agreement of sale and due to hike in price, the de facto complainant tried to sell the same to third parties and when A2 resisted the same, he foisted the present case against the petitioners and A1.

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.

Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, the 2nd respondent is directed to complete the investigation in the above crime, and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees ten thousand only) each with one surety for the like sum each for their appearance before the investigating officer concerned, 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.

December 01, 2016.
KTL



RAJA ELANGO, J