

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42596 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.32 of 2016 on the file of Chityal Police Station, Nalgonda District, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 448 and 427 r/w.34 IPC and 3 of PDPP Act and Section 20 of the Treasure Trove Act. The allegation against the petitioners is that the 1<sup>st</sup> petitioner approached the villagers of Gundrampalli village and stated that he will built the steps of the old temple Shivalayam, and demolished the Garbha Gudi of old temple and also the old Koneru. Thereafter, the 3<sup>rd</sup> respondent, who is the Sarpanch of the village, came to know through Newspaper that the 1<sup>st</sup> petitioner with the help of the 2<sup>nd</sup> petitioner, was involved in digging the old monuments in Chittoor District, for treasure trove.

The grievance of the petitioners is that there are no specific allegations against the petitioners in the complaint and the petitioners are innocent of the above offences, and on the basis of the false complaint, the 2<sup>nd</sup> respondent is trying to arrest them.

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, 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, the 2<sup>nd</sup> respondent is 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 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 before the investigating officer concerned, 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.

December 07, 2016.  
KTL

RAJA ELANGO, J

