

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42421 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of the respondents in registering the crime No.153 of 2016 of Tadikonda Police Station, Guntur Urban District, as illegal and arbitrary.

The learned counsel for the petitioner submitted that the complaint of the 4th respondent does not disclose any specific offence either under any of the provisions of Indian Penal Code or under the provisions of the Seeds Act, failure to adhere, well considered judgment of the Hon'ble Apex Court in respect of investigation in such cases. That apart, Section 155(2) of Cr.P.C. specifically provides that the police authorities cannot investigate in the matter when the same is non-cognizable, without having any competency to register crime and conducting investigation against the petitioner by the 2nd respondent, virtually amounts to violation of Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioner, this Court is not inclined to interfere with the proceedings against the petitioner. However, in view of submissions of the learned counsel for the petitioner, this Court directs the Police concerned to complete the investigation without arresting the petitioner and file the final report, if any, in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

06th December, 2016

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