

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36365 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioners to declare the action of the 2nd respondent – Station House Officer, Lingampet Police Station, Kamareddy (Nizamabad) District, in registering FIR No.154 of 2016 against the petitioners for the offence under Section 384 IPC, as arbitrary and illegal, and consequently, quash the same.

The case in brief is that the 3rd respondent is running a small footwear shop at the opposite side of Bus stand, Lingampet, and for the last 40 years, he and other 18 persons are running their shops in that place. While so, on 16.10.2016, the petitioners came to the 3rd respondent and informed that they are elders of the village, and demanded them to pay Rs.2,00,000/- each. Thereafter, on 20.10.2016, the 2nd petitioner came to the 3rd respondent and asked him to give the amount collected by him from the other shop owners. As the 3rd respondent did not collect the amount, the 2nd petitioner beat him. Hence, the 3rd respondent lodged the above complaint.

The grievance of the petitioners is that since the 3rd respondent and others are encroaching the government land, they lodged a complaint before the District Collector, Kamareddy, and that the District Collector initiated proceedings against the illegal encroachments of the government land and therefore, the 3rd respondent and others bore grudge against them and filed the present case with false allegations.

Considering the grievance of the petitioners, without expressing any opinion on merits, the 2nd respondent is directed to complete the

investigation in Crime No.154 of 2016 of Lingampet Police Station, Kamareddy (Nizamambad) District, 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 daily between 10.00 am and 5.00 p.m., for a period of ten (10) days, from 7th November, 2016 and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

October 27, 2016.
KTL

RAJA ELANGO, J



