

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33814 of 2016

ORDER:

This writ petition is filed for a writ of *mandamus* directing respondents 5 & 6 not to interfere in the petitioner's agricultural land in Survey No.364-2, admeasuring Ac. 5.00 cents, situated at Itukalapalli Village, Anantapuram Rural Mandal, Anantapuram District by declaring their FIR No.46 of 2016, dated 27.06.2016, for the offence under Section 145 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') registered by the 6th respondent and consequential proceedings, if any, by the 5th respondent as arbitrary and illegal.

2. Heard and perused the material available on record.

3. The grievance of the petitioner is that Crime No.46 of 2015 is registered under Section 145 of Cr.P.C. against the petitioner by the Sub-Inspector of Police, Itukalapalli Police Station, Anantapuram District (6th respondent) in order to dispossess him from the subject land ignoring his existing crops of groundnut and Red Gram.

4. This Court, without going into the merits of the case, *prima facie*, is of the view that a case cannot be registered by invoking the provision under Section 145 Cr.P.C. since it is not a cognizable offence, but it is only a procedure envisaged in the Code of Criminal Procedure. Hence, the same is liable to be quashed. In any event, the present order will not stand in the way of the respondent concerned to proceed further by invoking the provision under Section 145 of Cr.P.C. and by following the procedures in accordance with law, if there is any law and order problem.

5. Accordingly, the Writ Petition is disposed of and the proceedings in Crime No.46 of 2016, on the file of the Itukalapalli Police Station, Anantapuram District, are hereby quashed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 17th October, 2016

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