

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.16678 OF 2016
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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Home (AP). With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition is filed seeking issuance of a writ of *Certiorari* calling for the records pertains to the First Information Report in Crime No.51 of 2016 of Chennur Police Station, YSR Kadapa District registered against the petitioners and others for the offences punishable under Sections 143, 341, 506 and 188 IPC, and quash the same.

3. The First Information Report would show that on 23.04.2016 when the society members were cleaning the society premises, one Uril Shaik Mohammed Rafi Melisaab conducted a meeting with 70 to 80 persons at Chennuru bus stand and instigated the said persons to attack the society members. In view of the said instigation, the petitioners/accused persons are alleged to have threatened to kill them. Basing on these allegations, the present report came to be lodged.

4. Learned counsel for the petitioners mainly submits that the present report came to be lodged due to grudges between parties in connection with a civil litigation. It is his case that injunction orders are in favour of the petitioners and to circumvent the orders passed by the Civil Court, the present report came to be lodged. Learned counsel for the petitioners further submits that in view of

the allegations made, the matter requires investigation and since the crime is registered only on 23.04.2016, it may be permissible to quash the First Information Report without giving an opportunity to the police to investigate into the matter.

5. As seen from the averments in the First Information Report, there were some civil disputes pending between the parties. However, the allegations in the First Information Report clearly disclose that a group of people including the petitioners attacked the informant and others. The material placed before the Court would show that the petitioners are alleged to have attacked with an intention to kill the informant and others.

6. In view of the allegations made, this Court is of the opinion that it is not a fit case to quash the First Information Report. However, since the matter is under investigation and having regard to the disputes between the parties, the respondents police are directed to follow the judgment of the Apex Court in ***Arnesh Kumar v. State of Bihar and another***^[1] before taking any coercive steps against the petitioner.

7. Accordingly, the Writ Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:02.06.2016

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^[1] 2014 (2) ALT (CrI.) 457 SC