

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43543 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the respondents 2 to 4 in registering FIR No.282 of 2016, as illegal and arbitrary and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 447 and 506 r/w.34 IPC. The case in brief is that the 5th respondent is the lease holder of an open plot of 484 square yards from one Boda Lakshmi Venkata Prasanna, and that the petitioners have trespassed into the said plot and erected walls and when the 5th respondent questioned the same, they threatened him with dire consequences.

The learned counsel for the petitioners submitted that the petitioners 3 to 5 are the absolute owners and possessors of the land of an extent of 565 sq.yds., and the 2nd petitioner purchased the same under valuable consideration and that the owner of the 5th respondent has no right or claim over the said land and that as per the complaint, the alleged offence took place on 10.10.2016, whereas the report was given on 22.11.2016, therefore, there is delay in lodging the complaint.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complainant, the above crime is registered and that the police concerned are investigating into the matter.

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 and the grievance of the petitioners, without going into the merits of the case, this Court is of the view that the investigation in the above case can be completed without arresting the petitioners.

Accordingly, the 4th 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. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 15, 2016.
KTL

RAJA ELANGO, J