

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39417 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3rd respondent in registering Crime No.229 of 2013 against the petitioner, as illegal and arbitrary.

The case of the petitioner is that respondents 4 and 5 lodged the present complaint against the petitioner alleging that the petitioner unlawfully gained entry into the land admeasuring Ac. 4.00 cents in Survey No.24 of Nidigattu Village belonging to Vijayanagaram Rajas, with fabricated documents claiming to be the real owner, erected a notice board with inscription "This site belongs to Keelu Padmavathi", abused and threatened the watchmen of the land and ryots to death to leave the land. The main grievance of the petitioner is that the 3rd respondent, without looking into the factual aspects and also failed to conduct preliminary enquiry with regard to the allegations levelled against the petitioner, have straight away registered the above said crime.

Considering the facts and circumstances of the case, this Court is of the view that the Court is not inclined to interfere with the proceedings in Crime No.229 of 2013 at this stage, but whenever a complaint is registered, then necessarily, the truth or otherwise of the contents of the complaint would be investigated by the competent officer.

Having regard to the same, the 3rd respondent is directed to complete the investigation in Crime No.229 of 2013 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. On filing of the charge sheet, if the petitioner is aggrieved by the same, she is at liberty to file an appropriate application before the concerned Court.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 16th November, 2016

KL

