

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40175 of 2016

ORDER:

The present writ petition is filed seeking to call for the records relating to Crime No.186 of 2016 on the file of Venkatagiri Police Station, SPSR Nellore District, for the offences under Sections 143, 447, 427 and 379 r/w.149 IPC, and consequently, set aside the same.

The de facto complainant lodged a complaint against the petitioners alleging that they trespassed into his land and damaged the compound wall and stolen away the building material, due to some land disputes.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the subject land belongs to the Christian Society and that the Society constructed buildings and started educational institutions for poor and blind children and with an intention to grab the land, the de facto complainant filed a civil suit and obtained ex-parte order and that the 3rd petitioner also lodged a complaint against the de facto complainant, which was registered as FIR No.184 of 2016.

The learned Assistant Government Pleader for Home submitted that on the basis of the complaint, a case was registered against the petitioners, and the respondents are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts

and circumstances of the case and also the case and counter case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum each for their appearance before the investigating officer as and when required, for the purpose of investigation.

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

RAJA ELANGO, J

November 21, 2016.
KTL

