

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41543 OF 2016

ORDER:

The present writ petition is filed seeking to declare the action of the respondents in registering FIR No.159 of 2016 on the file of Manopad Police Station, Mahaboobnagar District, for the offences under Sections 420 IPC and 7 of the Essential Commodities Act, against the petitioners, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The 1st petitioner is a proprietorship firm, doing business in producing and manufacturing the seeds. The allegation against the petitioners is that they sold substandard red chilli seeds to the farmers due to which the farmers got huge loss. The case of the petitioners is that the petitioner sold the seeds to various dealers in sealed packages, and that they never supplied any substandard seeds and the yielding capacity of the crop depends on various reasons, and that allegations in the complaint are false.

The main grievance of the petitioners is that the 2nd respondent did not conduct any enquiry and did not issue any notice to them and that he is trying to arrest them without following due process of law.

The learned Assistant Government Pleader 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.

Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits,

the 2nd respondent is directed to complete the investigation in the above crime, and file a final report, 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 a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety for the like sum each for their 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 costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 30, 2016.
KTL



RAJA ELANGO, J