

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36582 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India with a prayer to declare the action of the 4th respondent in registering the case in Crime No.126 of 2016 on the file of Dindi Police Station, Naglonda District against the petitioner, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The case in brief is that the 5th respondent made a complaint before the 4th respondent stating that the government has sanctioned ceiling land to their family elder, about 35 years back and since then they are cultivating the said land. About 8 months back, the petitioner herein and two others i.e. A2 and A3 approached him by saying deceitful words that they will help him in getting crop loan and also hereditary patta pass book, and took him to Devarakonda and forcibly took his signatures and also the passbooks and sent him back. On the next day, when he asked them to return his passbooks, they abused him in the name of his caste by using filthy language.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him, and in fact, there are civil disputes pending between the 5th respondent and A2 and the petitioner is no way concerned with the said disputes and there are no specific allegations against the petitioner, and hence, he requested to set aside the proceedings the above crime.

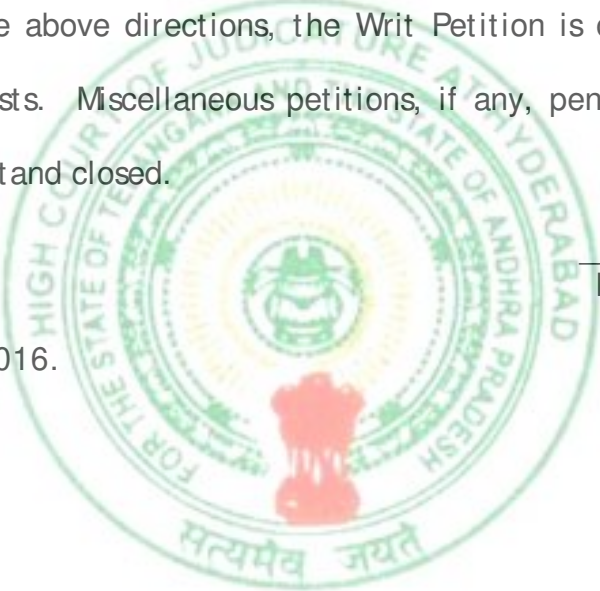
Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondents Nos.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

October 28, 2016.

KTL



RAJA ELANGO, J

