

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44332 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare registration of FIR No.51 of 2016 on the file of the Marripudi Police Station, Prakasam District, as illegal and arbitrary, and consequently, and quash the same.

The offences alleged against the petitioners are under Sections 447, 427 and 506 r/w.34 IPC. The case in brief is that the de facto complainant – 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioners trespassed into his land and plough the land with a tractor and when he intervened, they abused and threatened him with dire consequences.

Heard and perused the material available on record.

The learned counsel for the petitioners submitted that the 3rd petitioner is the absolute owner and possessor of the subject land and when he is cultivating the land, the 3rd respondent and his henchmen trespassed into the said land and tried to grab the same, and when they resisted the said act, the present crime was registered against them.

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

The petitioners filed this writ petition challenging the 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 circumstances of the case, without expressing any opinion on merits, 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 personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 20, 2016.
KTL

