

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40090 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.108 of 2016 on the file of the Station House Officer, Achanta Police Station, West Godavari District, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 353, 379 and 188 r/w. 34 IPC and 21 (1) of Mines and Minerals Development and Regulation Act, 1951 and 3 (1) of the PDPP Act. The case in brief is that the 5th respondent lodged a complaint before the 4th respondent alleging that the petitioners are found excavating Bondu sand by using JCB and transporting through 7 tractors, contrary to the government orders.

Learned counsel for the petitioners submitted that the petitioners are no way concerned with the offences alleged against them and that their tractors were taken on rent by one Pandi Chella Rao, since mud and sand were formed in his land during the recent floods, and therefore, he wanted to level the land for making it to cultivable condition, and that as there are boundary disputes between two districts, the villagers of the other district have implicated the petitioners in the above crime.

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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 4th 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.

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

December 16, 2016.
KTL

RAJA ELANGO, J

