

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46141 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to issue writ of Certiorari calling for the records relating to Crime No.215 of 2016, dated 28.10.2016 of Station House Officer, Razole Police Station, East Godavari District, insofar as the petitioner/A.1 is concerned and quash the same.

2. Heard and perused the material available on record.

3. The *de facto* complainant lodged the present complaint against the petitioner alleging that on 28.10.2016 at about 2:30 PM, the petitioner along with five others trespassed into his showroom armed with deadly weapons and attempted to commit murder due to land dispute pending between them. Basing on the same, the aforesaid crime was registered for the offences punishable under Sections 307 and 472 read with 149 IPC; that basing on the said complaint, the 2nd respondent is trying to arrest the petitioner without following the due process of law.

4. Learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged in the complaint and that a false case is foisted against him and that he is ready to co-operate with the investigation.

5. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to co-operate with the investigation, without expressing

any opinion on merits, respondent No.2 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.2 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

29.12.2016
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JUSTICE RAJA ELANGO



