

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37644 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 4th respondent in registering FIR No.390 of 2016 against the petitioners, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The 6th respondent lodged a private complaint against the petitioners alleging that the petitioners 1 and 2 sold an extent of Acs.3. 38 gts., of land to him for a total sale consideration of Rs.53,32,500/- and executed sale deed after receiving the entire amount. Subsequently, it came to know that the petitioners 1 and 2 are not the owners of the entire land and they are owners of an extent of Acs.2.35 gts., only.

The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the investigation can be completed without arresting the petitioners.

Accordingly, respondents Nos.2 to 5 are directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned, as and when required and cooperate with the investigation.

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

RAJA ELANGO, J

November 03, 2016
KTL

