

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43763 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in registering Crime No.158 of 2016 on the file of Madanapalle Taluk Police Station, Chittoor District, as illegal and arbitrary and consequently, direct the respondents not to arrest the petitioners.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 307, 147, 148, 427, 431, 447, 448 and 511 r/w.34 IPC. The allegations against the petitioners are that they, along with some other persons, trespassed into the land purchased by the de facto complainant from the brother of 1st petitioner, and damaged the cement brick wall and threatened the complainant and others with dire consequences.

Learned counsel for the petitioners submitted that there are civil disputes between the parties and that civil suit is also pending and that with a view to threaten the petitioners and others, the de facto complainant filed the present private complaint, which was referred by the Magistrate by invoking provisions under Section 156(3) Cr.P.C., and as per the complaint, the alleged offence took place on 06.09.2016 and that the case was registered on 19.11.2016 and hence, there is delay in lodging the complaint also.

The Assistant Government Pleader for Home submitted that on the basis of a complaint, the above case is registered against the

petitioners and others and that the respondent police are investigating the matter in accordance with law.

Considering the circumstances of the case, without going into the merits, this Court is inclined to pass the following order:

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 future 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



