

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44893 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India to call for the records relating to F.I.R.No.145 of 2016 of Enkoor Police Station, Khammam District and quash the same.

2. Heard and perused the material available on record.

3. Case of the petitioner is that he purchased Tractor bearing No.AP-20-Y-3758 by taking finance from L & T Finance Ltd. Thereafter, he sold the said vehicle to one G.Ravi i.e., A.1 in the present crime on 05.10.2012 by taking sale consideration and also entered into an agreement. Subsequently, the 2nd respondent police have seized the said Tractor on 05.11.2016 near Ramalayam temple, Enkoor Mandal of Khammam District, stating that the said Ravi allegedly committed theft of sand.

4. Learned counsel for the petitioner submits that the petitioner is arrayed as accused only on the basis of confession given by the co-accused; that admittedly the petitioner has sold the vehicle in favour of A.1; that even though the said fact was not reflected in the Registration Certificate, the petitioner has produced the sale agreement entered into between the petitioner and A.1; that the petitioner is not having any previous cases; that he is ready to cooperate with the investigation.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered

against the petitioner and respondent No.2 is investigating the matter in accordance with law.

6. 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 cooperate 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.

JUSTICE RAJA ELANGO

22.12.2016
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Date: 22.12.2016

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