

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40456 of 2016

ORDER:

The present writ petition is filed seeking to call for the records pertaining to FIR No.263 of 2014 on the file of Challapalli Police Station, Krishna District, registered for the offences under Sections 447 and 427 IPC, and 3 (2)(a) of the PDPP Act, and quash the proceedings against him in the above crime.

The allegations in the complaint are that A1 is trying to occupy the government land, and that the petitioner along with an employee in the Revenue Department, helped him to get the adangals of the said property in the name of A1.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and there is no specific allegation against him in the FIR and basing on the confession of A1 only, he is added as an accused and the said crime is alleged to have occurred in 2014, and due to pendency of the above crime, the police are trying to arrest him and therefore, he requested to quash the said FIR, and that he is ready to cooperate with the investigation.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and others, and the respondents are investigating into the matter in accordance with law.

The petitioner 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 facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the respondents 2 and 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, 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 before the investigating agency, as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 23, 2016.
KTL