

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45058 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of certiorari calling for the records pertaining to F.I.R. No.509 of 2016 on the file of 2nd respondent and quash the same against the petitioner as arbitrary and illegal.

The case of the petitioner is that on the complaint lodged by the 3rd respondent, the 2nd respondent registered a case against the petitioners herein in F.I.R. No.509 of 2016 for the offences punishable under Section 379 IPC and Section 35(ii) of Andhra Pradesh Water, Land and Trees Act, 2002. The grievance of the petitioner is that all the allegations levelled by the 3rd respondent are false and the 2nd respondent without ascertaining the genuineness of the same, registered the F.I.R. and proceeding with the investigation and trying to arrest the petitioner.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate with the investigation, but, however, he is apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in Crime No.509 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2nd respondent-police and shall execute a personal bond for a sum of

Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

23.12.2016.
Tsr



