

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38549 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.179 of 2016 on the file of Bhavaninager Police Station, Hyderabad District, registered for the offences under Sections 452, 324, 148, 149 and 506 r/ w.34 IPC and consequently, quash the same.

Heard and perused the material available on record.

The allegation against the petitioners is that they have trespassed into the house of the de facto complainant – 4th respondent and abused him in filthy language and also attacked him and his family members with weapons and also warned him to vacate the tiffin center, which the petitioner is running along with his brothers. The grievance of the petitioners is that the allegations made against them are false and fabricated and that in fact, the 4th respondent is claiming the property on the basis of an oral gift deed, and that there are civil cases pending between the 4th respondent and the petitioners with regard to the subject property and the present complaint is lodged before the Magistrate and the same is referred to the police for investigation, without following the due process of law.

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

The petitioners filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation, considering the facts and circumstances of the case and the grievance of the petitioners, without going into the merits of the case, the respondents 2 and 3 are directed to complete the investigation in the above crime and file a final report, in accordance with law in either way, 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) with one surety for the like sum each, for their future appearance for the purpose of investigation.

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

November 09, 2016
KTL

RAJA ELANGO, J



