

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43536 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to quash the FIR No.800 of 2016 on the file of Sanjeevareddy Nagar Police Station, Hyderabad, on the complaint lodged by the 5th respondent and quash the same.

Heard and perused the material available on record.

The offence alleged against the petitioners is under Section 448 IPC. The allegation is that the brother of the 1st petitioner trespassed into the flat of the 5th respondent by broke opening the lock on the instructions of the petitioners alleging that they are the owners of the flat.

The learned counsel for the petitioners submitted that the petitioners are innocent of the alleged offence and there is a civil suit pending before the civil Court in respect of the subject flat and that they have not instructed anyone to trespass into the house, and infact, the mother of the 1st petitioner purchased the said flat and after the death of her mother, the 1st petitioner became the owner of the house since she is the legal heir of her deceased mother.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complainant, the above crime is registered and that the police concerned are investigating into the matter.

The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere

with the investigation. However, 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 investigation in the above case can be completed without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, 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) each with one surety for the like sum each, for their future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

With the above directions, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 15, 2016.
KTL

RAJA ELANGO, J