

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37678 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the proceedings in Crime No.487 of 2016 on the file of the Station House Officer, Jadcherla Police Station, Mahaboobnagar - 2nd respondent, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

While performing patrolling duty, the staff of 2nd respondent found one tractor along with trolley loaded with sand, and on seeing the police, the driver of the lorry escaped and on enquiry, the 2nd respondent found that the said vehicle belong to the petitioner, therefore, the present case is registered against him.

The grievance of the petitioner is that he is neither present nor involved in transportation of sand illegally and he has no knowledge about the same and since he is the owner of the said vehicle, he was implicated in the case and police are trying to arrest him.

The petitioner filed the present writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioner.

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 petitioner. The petitioner

is also directed to appear before the investigating officer concerned as and when required, and cooperate with the investigation.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

November 03, 2016
KTL

RAJA ELANGO, J

