

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44437 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.456 of 2016 on the file of Karimnagar Rural Police Station, Karimnagar, and quash the same.

The offences alleged against the petitioners are under Sections 420, 427 and 506 r/w.34 IPC. The case in brief is that the de facto complainant – 3rd respondent lodged a complaint before the 2nd respondent alleging that the petitioners trespassed into his house site, where the construction work is going on, and damaged the mixed cement, threatened the workers with dire consequences, alleging that the said site belongs to them.

Heard and perused the material available on record.

The learned counsel for the petitioners submitted that the 1st petitioner is the absolute owner and possessor of the subject and when some persons tried to encroach the said land, he approached the civil court and obtained injunction in his favour and that thereafter, due to hike in land prices, the 3rd respondent with an intention to grab the said land, tried to trespass into the same, along with some other persons, but since the 1st petitioner resisted his acts, he filed the present complaint with false allegations.

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

The petitioners 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 circumstances of the case, and since the issue arises out of matrimonial dispute, this Court is of the view that the above crime can be investigated into, 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, 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 appearance before the investigating officer as and when required for the purpose of investigation.

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

RAJA ELANGO, J

December 20, 2016.
KTL

