

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41695 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating FIR No.179 of 2016 on the file of Kukunoorpalli Police Station, Sddipet District, for the offences punishable under Sections 336 and 379 IPC, and quash the same.

Heard and perused the material available on record.

The allegation against the petitioner is that his vehicle is used for illegal transportation of sand from Kazipur lake, without there being any permission.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and the vehicle was engaged for transporting household articles, and that without his knowledge, the driver of the vehicle used the same for transportation of the sand illegally.

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

The petitioner 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 facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is of the view that

the above crime can be investigated into, 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, and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his 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 costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 01, 2016
KTL

RAJA ELANGO, J



