

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45219 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent's interference in civil litigation pending before civil Courts by accepting the complaint and filed FIR in Crime No.752 of 2016, on the file of the Medipalli Police Station, Medchal District, against the petitioners, as illegal and arbitrary and consequently direct the 2nd respondent not to interfere in the civil litigation and to quash the FIR No.752 of 2016.

Heard and perused the material available on record.

The 3rd respondent lodged the present complaint against the petitioners alleging that on 21.11.2016 at about 10.00 hours, when the 3rd respondent is levelling the land in Survey No.1 of Muthewellguda with JCB, the petitioners criminally trespassed into the said land and abused the 3rd respondent in filthy language and damaged the JCB mirrors by pelting stones. Basing on the said complaint, the 2nd respondent registered the same as Crime No.752 of 2016 against the petitioners for the offences punishable under Sections 447, 427 & 506 IPC.

The main grievance of the petitioners is that the petitioners are the purchasers and possessors of the land in Survey No.1 and on 21.11.2016 while the petitioners are doing the agricultural work in the above said land, the 3rd respondent along with his henchmen tried to interfere with the peaceful possession and enjoyment of the property of the petitioners and with great difficulty, the petitioners escaped from the place with the help of the villagers and filed

O.S.No.733 of 2016 before the II Additional Junior Civil Judge, Ranga Reddy District, L.B. Nagar, for temporary injunction restraining the 3rd respondent and his henchmen from interference with the above said land and while the matter is pending, instead of contesting the above suit, the 3rd respondent lodged the present complaint against the petitioners in order to threaten the petitioners with malicious intention.

Considering the said facts and circumstances, the 2nd respondent is directed to complete the investigation in Crime No.752 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each to the satisfaction of the Investigation Officer concerned as surety for their future appearance for the purpose of investigation.

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

RAJA ELANGO, J

Date: 26th December, 2016

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