

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37576 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to call for the records relating to FIR No.370 of 2016 on the file of Station House Officer, Sanathnagar Police Station, Hyderabad – 2nd respondent, and consequently, set aside the same.

Heard and perused the material available on record.

The grievance of the petitioners is that the father of the 2nd petitioner is owner of the house property bearing No.8-4-404/ 4, Premnagar, Erragadda, Hyderabad, and since 1977 they are in possession of the same. While so, the 3rd respondent filed a suit for declaration of title and consequential injunction, and obtained status quo order. The father of the 2nd petitioner died on 31.10.2015 and therefore, they filed a memo before the Court to bring them as LRs. During the pendency of the same, the 3rd respondent lodged the present complaint alleging that the petitioners have trespassed into the subject property.

Learned Assistant Government Pleader submitted that the on the basis of the complaint lodged by the 3rd respondent, the present crime is registered against the petitioners and the respondent police are investigating into the matter.

The petitioners filed the present writ petition challenging 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 and the matter arising out of civil disputes,

this Court is of the view that the investigation 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 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

