

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38418 OF 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to call for the records pertaining to Crime No.361 of 2016 on the file of 3rd respondent Police Station, and quash the same.

Heard and perused the material available on record.

The 4th respondent lodged a private complaint stating that the petitioner entered into his land and claiming ownership on the basis of fraud and fabricated documents with an intention to grab the same.

Learned counsel for the petitioner submitted that the present case arises out of civil disputes, and the petitioner is no way concerned with the alleged offences and that the petitioner purchased the subject land through a registered sale deed from M/s.Hafeezuddin Shiak Imam Family Trust and the 4th respondent filed a private complaint claiming himself as the owner of the subject and that the said complaint was referred to the police without following the due process of law.

Considering the facts and circumstances of the case and also the submissions of the learned counsel for the petitioner, this Court is of the view that the investigation can be completed without arresting the petitioner.

Accordingly, the respondents 2 and 3 are directed to complete the investigation and file a final report, if any, in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal 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 agency as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

November 08, 2016.

KTL

