

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43741 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering FIR No.148 of 2016, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 143, 447, 186, 109 and 506 r/w.149 IPC. The case in brief is that the de facto complainant – 4th respondent lodged a complaint before the 3rd respondent alleging that the petitioners, who are tribals, entered into the land belonging to Sri Balaji Venkateswara Swamy Temple, Annapureddypalli village, and cultivated the same though there is an order of not to enter into the said land, passed by the Tahsildar is in existence and when the 4th respondent and his staff entered into the land, the petitioners threatened them to file criminal cases.

Learned counsel for the petitioners submitted that the petitioners are tribals and that they are tenants of the land in dispute which is situated in agency area and the 4th respondent colluded with the non-tribal landlords and trying to evict them from the said land and lodged the above complaint, and basing on the same, the police are trying to arrest them.

Learned Assistant Government Pleader for Home submitted that basing on a complaint, the abovementioned crime is registered and the police concerned are investigating the same in accordance with law.

Considering the circumstances of the case, without expressing any opinion on merits, this Court is inclined to pass the following order:

The 3rd 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 daily between 10.00 am and 5.00 pm, for a period of ten (10) days, 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 future appearance before the investigating officer as and when required for the purpose of investigation.

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

December 16, 2016.
KTL

RAJA ELANGO, J



