

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44412 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records pertaining to FIR No.489 of 2016 on the file of Karimnagar Rural Police Station, Karimnagar, and quash the same.

The offences alleged against the petitioner are under Sections 448, 427, and 506 r/w.34 IPC. The case in brief is that the de facto complainant – 3<sup>rd</sup> respondent lodged a complaint before the 2<sup>nd</sup> respondent alleging that the petitioner alongwith some persons, trespassed into his house, while he was not there in the house, and asked her about the owner of open plot, which is opposite to their house and when she answered that she has no knowledge, they damaged the car rear side glasses worth Rs.10,000/- threatened her with dire consequences.

Heard and perused the material available on record.

The learned counsel for the petitioner submitted that the petitioner is the absolute owner and possessor of the open land admeasuring Ac.1.07 gts., in Sy.No.30, of Laxmipur village of Malkapur Grampanchayat of Karimnagar, and that when some persons tried to encroach the said land, he approached the civil court and obtained injunction in his favour and that thereafter, due to hike in land prices, the 3<sup>rd</sup> respondent with an intention to grab to land, tried to trespass into the same, along with some other persons, but since the petitioner resisted his acts, he filed the present complaint with false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and the police concerned 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 circumstances of the case, without expressing opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2<sup>nd</sup> respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer as and when required for the purpose of investigation.

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

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RAJA ELANGO, J

December 20, 2016.  
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