

**HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.36877 of 2016**

**ORDER**

This writ petition is filed by the petitioners seeking to call for records relating to the case in Crime No.445 of 2016 of Dundigal Police Station, Cyberabad District and to quash the same against them.

2. It is stated in the affidavit that the 3<sup>rd</sup> respondent lodged a complaint against the petitioners and others stating that the 1<sup>st</sup> petitioner and his son agreed to sell the land to an extent of Acs.4.01 guntas in Sy.Nos.163/A, 163/AA and 164/E of Dommarapochampally Village, Quthubullapur Mandal, Ranga Reddy District, to him for a total consideration of Rs.13 crores and accordingly, he paid a sum of Rs.4 crores and odd to the son of 1<sup>st</sup> petitioner and later, all the accused conspired together and tried to sell the land to some others at higher consideration and when he contacted the 1<sup>st</sup> petitioner, all the accused threatened him with dire consequences with sticks and crowbars. Based on the said complaint, the 2<sup>nd</sup> respondent registered a case in Cr.No.445 of 2016 for the offences punishable under Sections 406, 420, 323, 120B r/w Sec. 34 IPC and under Section 3(1)(r)(s), (E(zb)(zc) of SCs & STs (POA) Amendment Act, 2015. It is stated that the petitioners are no way connected with the disputes and they were falsely implicated in the case.

3. The learned Assistant Government Pleader submitted that on the basis of complaint, a case was registered against the petitioners and the respondents are investigating into the matter in accordance with law.

4. The main grievance of petitioners is that the 2<sup>nd</sup> respondent did not conduct any enquiry and did not issue any notice to them and that he is trying to arrest them without following due process of law.

5. As seen from the complaint, there were disputes between the son of 1<sup>st</sup> petitioner and the third respondent with regard to execution of sale agreement. As per the allegations in the complaint, there is no need of custodial interrogation of present petitioners in the said crime. Therefore, without expressing any opinion on merits, respondents Nos.1 & 2 are directed to complete the investigation in Crime No.445 of 2016 of Dundigal Police Station, Cyberabad District, and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the investigating agency as and when required.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

**JUSTICE RAJA ELANGO**

31<sup>st</sup> October, 2016

sj



