

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46088 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.115 of 2013 registered by the 3rd respondent for the offence under Section 107 Cr.P.C., pending on the file of the 2nd respondent against the petitioners and others and quash the same since the same is pending for the last three years.

Heard and perused the material available on record.

The case in brief is that the 3rd respondent registered a case in Crime No.115 of 2013 for the offence under Section 107 Cr.P.C., on the ground that there were some disputes between two groups in the village with regard to construction of CPM party office in the village.

Learned Counsel for the petitioners submitted that basing on a small dispute between two groups in the village, the 3rd respondent registered a bind over case vide FIR No.115 of 2013 under Section 107 Cr.P.C., and the same is pending before the 3rd respondent and the persons involved in the above case are daily wage coolies and it is very difficult for them to attend the Court at Nalgonda, and as per the said provision, the bind over should be for one year only, but in the present case the period of one year was exceeded. He further submitted that the petitioners and the other persons mentioned in the FIR filed an affidavit before the 2nd respondent informing that they have settled the issue between them and now they are living peacefully and there are no disputes among them and basing on the said affidavit, the 2nd respondent, though he has ample power to close the case, has addressed a letter to the 3rd respondent to close the case.

If any person is likely to commit a breach of peace, such person can be ordered under Section 107 Cr.P.C., to execute a bond for keeping peace not exceeding one year. Admittedly, the matter is pending from the year 2013. Apart from that, when the petitioners and others approached the 2nd respondent, who is a competent person, to close the matter, he addressed a letter to the 3rd respondent to close the matter.

Considering the said facts and circumstances of the case, the proceedings under Section 107 Cr.P.C., on the file of the 2nd respondent basing on FIR No.115 of 2013, against the petitioners and the other persons, who are facing the said proceedings before the 2nd respondent, are hereby quashed.

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

December 29, 2016.
KTL

RAJA ELANGO, J

