

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40003 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the respondents in registering a crime against the petitioner/A-1 in Crime No.210 of 2016, dated 12.11.2016, on the file of Repalle Town Police Station, Guntur District, as illegal and arbitrary and to set aside the same.

Heard and perused the material available on record.

The case of the petitioner is that the *de facto* complainant, who is working as Deputy Tahsildar, Repalle Mandal, lodged the present complaint against the petitioner, who is arrayed as A-1 and A-2, alleging that the petitioner, who is the owner of TATA Turbo 6 wheels lorry bearing No.AP 07 TG 6919, and A-2, who is the driver of the said lorry, was caught hold by the *de facto* complainant while transporting 126.12 quintals of PDS rice worth Rs.3,15,375/- and subsequently, the *de facto* complainant seized the rice. Based on the said report, the 2nd respondent registered a case in Crime No.210 of 2016, dated 12.11.2016, for the offences punishable under Section 420 IPC and Section 7 of the Essential Commodities Act. The main grievance of the petitioner is that the proceedings in the above said crime are liable to be quashed since the property is already recovered from his possession.

Considering the said facts and circumstances, the 2nd respondent is directed to complete the investigation in Crime No.210 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. The petitioner is directed to execute a personal bond for a sum of

Rs.5,000/- (Rupees five thousand only) with one surety for the like sum to the satisfaction of the Investigation Officer concerned as surety for his future appearance for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 26th December, 2016

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