

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.407 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 6th respondent in registering FIR No.200 of 2016 on the file of Indrapalem Police Station, Kakinada Rural Mandal, East Godavari District, as illegal and arbitrary, and consequently, direct the 6th respondent not to arrest the petitioners.

The offences alleged against the petitioner are under Sections 447 and 506 r/w.34 IPC. The allegation against the petitioner is that he along with some other persons trespassed into the open plot of the de facto complainant and tried to construct huts and when the de facto complainant questioned the same, they threatened him with dire consequences.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and that there are civil disputes pending with regard to the subject land and that the police, in collusion with the political leaders, foisted the above case with a view to harass the petitioner.

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

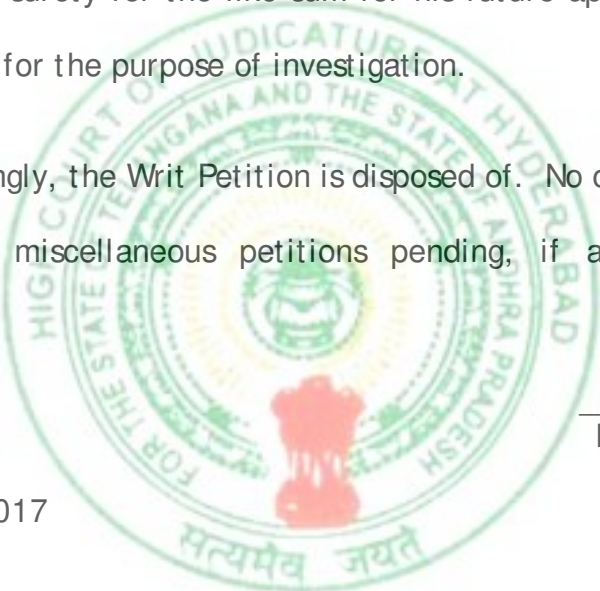
The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with

the investigation in the above crime, taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 6th respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance 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.

January 04, 2017
KTL



RAJA ELANGO, J

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WRIT PETITION No.451 of 2017

January 04, 2017

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