

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46605 of 2016

ORDER:

This writ petition is filed for a writ of *mandamus* seeking to declare the registration of Crime No.57 of 2016, on the file of the Hindupur II Town Police Station, Hindupur, Anantapur District, against the petitioners, as illegal and arbitrary and consequently to quash the same.

Heard and perused the material available on record.

The case of the petitioners is that one D. Abdul Rahiman, who is the *de facto* complainant, lodged the present complaint on 06.06.2016 against the petitioners alleging that the *de facto* complainant has purchased Plot Nos.72, 73, 74, 75 & 76 in Survey Nos.430-1 and 430-2, situated at Bypass Road, Hindupur Town, Anantapur District, from one E. Srilikhitha and made an agreement of sale and the *de facto* complainant has been constructing a godown in the said land and that on 02.06.2016, the petitioners came to the subject land and threatened the *de facto* complainant to stop the construction and stated that the said land belongs to them and that on 04.06.2016, the petitioners again came to the said land and demolished the cement pillars. Basing on the above said complaint, the 3rd respondent registered a case in Crime No.57 of 2016 against the petitioners for the offences under Sections 447, 427, 506 read with 34 IPC.

The main grievance of the petitioners is that there are civil disputes pending between the petitioners and the *de facto* complainant and in a case of civil dispute, crime cannot be registered by the police unless *prima facie* case is made out and that the very registration of crime is not sustainable and it is liable to be set aside.

Considering the said facts and circumstances, the 3rd respondent is directed to complete the investigation in Crime No.57 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each to the satisfaction of the Investigation Officer concerned as surety for their 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: 2nd January, 2017

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