

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41148 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the 3rd respondent in registering crime against the petitioners vide FIR No.145 of 2016, dated 19.11.2016, as illegal and arbitrary and consequently to call for the records and to quash the same.

Heard and perused the material available on record.

The case of the petitioners is that the Sub-Inspector of Police, Kubeer Police Station, Nirmal District, lodged the present complaint against the petitioners alleging that when he inspected the agricultural fields of the petitioners, he found 75 small trees of Ganja in the field of 1st petitioner and 65 small trees of Ganja in the field of 2nd petitioner and that he handed over the same to the police station. Basing on the said complaint, the 3rd respondent registered a case in FIR No.145 of 2016 for the offence under Section 8(b) read with 20(a)(b)(i) of the NDPS Act, 1985.

The main grievance of the petitioners is that the petitioners are tribals and they are small time agriculturists and that the petitioners are not aware regarding growth of ganja plants in their fields and that the petitioners are apprehending arrest in the hands of the 3rd respondent.

The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioners.

Accordingly, the 3rd 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 petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with one surety for the like sum, for their appearance before the investigation officer concerned, as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 4th January, 2017

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