

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46614 of 2016

ORDER:

This writ petition is filed seeking to call for records in Crime No.406 of 2016, dated 12.12.2016, of Sarpavaram Police Station, East Godavari District, and consequently to quash the same.

Heard and perused the material available on record.

The case of the petitioner is that the 4th respondent lodged the present complaint against the petitioner and others alleging that the husband of the 4th respondent purchased house site admeasuring to an extent of 300 square yards, situated in Survey No.112/1B, 198/2,3, L.P.No.129/85, Plot No.37, Vakalpudi Village, Kakinada Rural Mandal on 29.07.2016 and registered the same in the name of the 4th respondent in Rajahmundry Sub-Registrar Office, vide document No.8283/2016 and since then, the 4th respondent is in peaceful possession and enjoyment of the subject property. On 02.09.2016, one Ummadi Vijay Kumar (A-2) and one Ummadi Elinzbeth (A-3) criminally trespassed in the subject house property of the 4th respondent and caused mischief by damaging the Flexes and when the 4th respondent objected, she learnt that the petitioner (A-1) along with A-2 to A-7, created fake documents and used the same as genuine and made conspiracy for the use of fake documents and cheated the 4th respondent with dishonest intention and also tried to claim the ownership of the subject property.

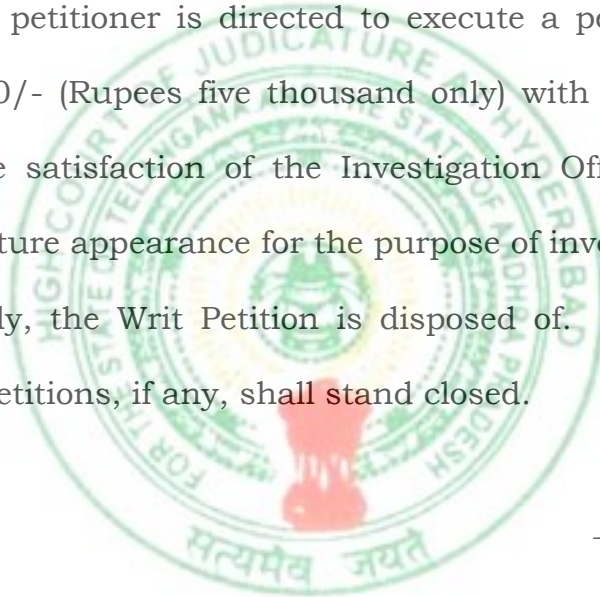
The main contention raised by the learned counsel for the petitioner is that the petitioner does not have any right or claim over the subject property, but the 4th respondent lodged the present complaint against the petitioner apprehending that the petitioner may disturb her

possession over the subject property and implicated the name of the petitioner as accused in the above said crime.

Considering the said facts and circumstances and the submissions of the learned counsel for the petitioner and in view of the stand taken by the petitioner that he is not having any claim over the subject property, this Court is inclined to dispose of the writ petition with the following direction:

The 3rd respondent is directed to complete the investigation in Crime No.406 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: 2nd January, 2017

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