

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.889 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in FIR No.146 of 2016 on the file of Shanthi Nagar Police Station, Waddepally Village and Mandal, Jogulamba Gadwal District.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Section 34(e) of the A.P. Excise Act. The case in brief is that on receiving credible information that the petitioner is running the toddy shop without any permission, the 4th respondent raided the shop of the petitioner and seized the plastic trays and empty toddy bottles. Case of the petitioner is that the on the alleged complaint of the respondent 5 and 6, the 4th respondent has conducted raid on the shop of the petitioner and registered the abovementioned case with a view to harass him; and the 4th respondent is trying to arrest him without following the due process of law.

Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and the police concerned are investigating the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is of the view that the above crime can be investigation into without arresting the petitioner.

Accordingly, the 4th respondent is directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before the investigating officer concerned, daily at 9.00 am for a period of fifteen (15) days for the purpose of investigation, 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.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

January 06, 2017.
KTL

RAJA ELANGO, J



