

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1323 of 2017

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering FIR No.749 of 2016, dated 16.12.2016, of Pendurthy Police Station, Visakhapatnam District, basing on the complaint, dated 12.12.2016, as illegal and arbitrary and consequently to quash the same.

Heard and perused the material available on record.

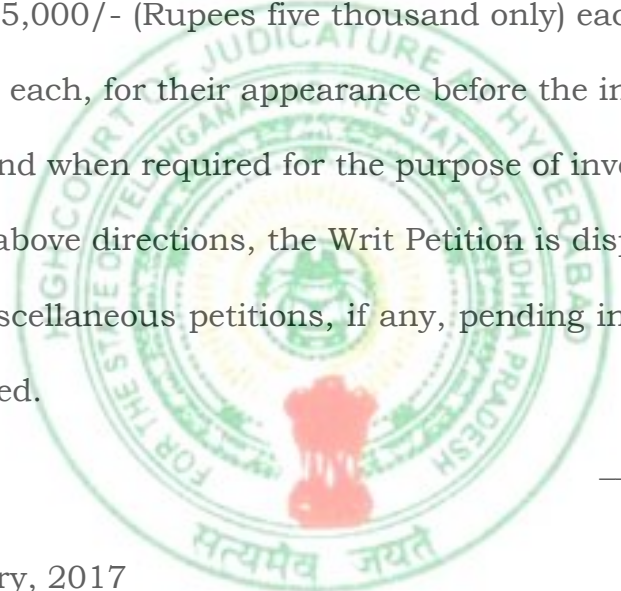
The 3rd respondent lodged the present complaint against the petitioners alleging that on 16.12.2016, the petitioners trespassed into the land of the 3rd respondent at Mudapaka Village, Pendurthy, and damaged approximately 100 Nos. of trees, laid gravel road, grabbed the land and when the 3rd respondent questioned the petitioners about the same, they threatened the 3rd respondent. Basing on the said complaint, the 2nd respondent registered a case in FIR No.749 of 2016, dated 16.12.2016, against the petitioners for the offences punishable under Sections 447, 427 & 506 read with 34 IPC and Sections 4 & 5 of the A.P. Land Grabbing Act.

The grievance of the petitioners is that the petitioners are residents of Buddunaidupalem Village and they are carrying on their livelihood by the execution of petty contracts in and around the said village and that they are not involved in any activities of trespassing of the land of the 3rd respondent and that the petitioners are only in the processing of executing of the work for which they were given contract by the Government and that the petitioners are apprehending arrest in the hands of the 2nd 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 2nd respondent is directed to complete the investigation in FIR No.749 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 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) each with one surety for the like sum each, 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: 6th January, 2017

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