

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40452 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 2nd respondent in implicating the petitioner as A-3 in connection with FIR No.297 of 2016, dated 14.10.2016, basing on the complaint given by the 3rd respondent though his name is not mentioned in the said FIR, as illegal and arbitrary and consequently to set aside the same.

Heard and perused the material available on record.

The 3rd respondent lodged the present complaint against A-1 & A-2 alleging that one Kurapati Victor (A-1) and Kurapati John Basco (A-2), who are DKT land dars were illegally excavating the gravel from the DKT lands vide Survey No.501-1, admeasuring to an extent of Ac. 2.40 cents, Survey No.501-2 admeasuring to an extent of Ac. 0.75 cents & Survey No.501-2 admeasuring to an extent of Ac. 1.20 cents, without taking any permission from the Government Authorities. Basing on the said complaint, the 2nd respondent registered a case in Crime No.297 of 2016 against A-1 and A-2 for the offences punishable under Sections 447 & 427 IPC.

The main grievance of the petitioner is that the name of the petitioner is not mentioned in the above said FIR, but basing on the confession statements of A-1 and A-2, the 2nd respondent implicated the name of the petitioner in the above said crime and that the petitioner is apprehending arrest in the hands of the 2nd respondent since A-1 and A-2 were already arrested and released on bail.

The petitioner filed this writ petition challenging the investigation in the above said 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 petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in Crime No.297 of 2016, in accordance with law in either way, without arresting the petitioner. The petitioner is 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) with one surety for the like sum, for his 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.

Date: 4th January, 2017

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RAJA ELANGO,J