

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.633 of 2017

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 6th respondent in registering FIR No.36 of 2016 on the file of Indrapalem Police Station, Kakinada Rural Mandal, East Godavari District, as illegal and arbitrary, and consequently, direct the 6th respondent not to arrest the petitioners.

The offences alleged against the petitioner are under Sections 188, 447 and 427 r/w.34 IPC. The allegation against the petitioners is that he along with some other persons trespassed into the land purchased by some other persons, and tried to construct huts.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and that there are civil disputes pending with regard to the subject land and that the police, in collusion with the political leaders, foisted the above case with a view to harass the petitioners.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the petitioners and others, and the police concerned are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, without going into the merits of the case,

this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 6th respondent is directed to complete the investigation in the above Crime and file a final report, 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.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

January 05, 2017
KTL

RAJA ELANGO, J



HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.451 of 2017

January 04, 2017

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