

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 44981 of 2016

Order:

Heard learned counsel for the petitioner and learned Government Pleader for respondents 1 to 3.

The case of the petitioner is that he is the Proprietor of M/s. Keerthana Granites and has been carrying on quarrying activities under the lease granted by the Government. Earlier when the husband of the fourth respondent encroached upon the land of the petitioner and tried to raise crop in an extent of Ac.2-00 of land belonging to the petitioner, the petitioner filed a civil suit and obtained decree from the Court. In spite of decree in his favour, when the husband of the fourth respondent attacked him on 23.10.2016, he sustained injuries. He lodged a complaint on 23.10.2016 itself and Crime No.126 of 2016 was registered. While so, on the same day, the wife of the accused No.1 in the said crime lodged a complaint against the petitioner of misbehaviour and on the basis of the same FIR No.129 of 2016 was registered on 02.11.2016. Challenging the registration of the said crime, the present Writ Petition is filed.

It is clear from the above facts that there is a complaint and counter complaint in respect of the incident that took place on 23.10.2016. The police are investigating the said crimes. This Court cannot interfere with the investigation process and in the circumstances it cannot be said that the registration of crime is bad in law. However, the police shall investigate the crimes only in accordance with law by duly observing the provisions of the Code of Criminal Procedure including Section 41-A of the same.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 01.03.2017
Nsr

