

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.31887 of 2017

ORDER :

This Writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“...to issue an appropriate Writ order or direction more particularly in the nature of Writ of Certiorari calling for entire records in pursuant to the criminal proceedings in crime in FIR No.39 of 2017 dated 26-04-2017 on the file of the 3rd respondent against the petitioners as absurd and inherently improbable on the face of the record and declare the same as abuse of process of law and Contrary to the provisions of CR.PC apart from violative of Article 21 of Constitution of India and quash the criminal proceedings in crime in FIR No.9 of 2017 on the file of the 3rd respondent and pass such other orders as may be deemed fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State before ordering notice to respondent No.5-Sri Narasimha @ Eranna Swamy Devasthanam, Urukunda Village, represented by its Executive Officer-cum-Assistant Commissioner and perused the grounds urged in the quash petition, panchanama from which the crime is registered and the written instructions received by the learned Government Pleader for Home.

A perusal of the material on record shows that the matter requires investigation in detail. Since the petitioners are on concession of bail, as per the submission of the learned counsel for the petitioners, no order for their arrest or not to arrest is required. Hence, there is nothing to interfere with the investigation, which is at a nasal stage, but for, several defences are left open for future.

Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:06-10-2017
pab