

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.175 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to issue writ of Certiorari calling for the records relating to Crime No.129 of 2015 of Samarlakota Police Station, East Godavari District and quash the same.

2. Heard and perused the material available on record.

3. In the affidavit filed in support of the petition, it is stated that the one Venkata Reddy got registered a sale deed in favour of the petitioner from the wife of the 4th respondent and certain disputes arose in that regard. In connection with the said dispute, the 4th respondent filed a suit against the petitioner and the same was dismissed. It is alleged that on 14.05.2015 the when petitioner along with his henchmen removed the tanks at the bunk, the wife and son of the 4th respondent question him, he threatened them. Thereafter, the matter was placed before elders and they advised to settle the dispute on or before 20.05.2015. It is further alleged that on 20.05.2015 one person made a phone call to the 4th respondent and informed that he is Venkat Reddy and asked him to hand over the documents pertaining to the land offered for mortgage and that the 4th respondent came out of his house and opened the main gate, then, the unknown person attacked the 4th respondent with a knife and hacked him indiscriminately, due to which he sustained injuries. On hearing the cries of the 4th respondent, his son and others came and shifted to hospital. Basing on the same, the aforesaid crime was registered against the

petitioner and others and respondent-police are trying to arrest the petitioner.

4. Learned counsel for the petitioner would submit that the occurrence took place in the year 2015 and the name of the petitioner is also not shown in the F.I.R. and that the petitioner is ready to co-operate with the investigation.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioner and respondent No.3 is investigating the matter in accordance with law.

6. Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to co-operate with the investigation, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.3 and execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

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

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

03.01.2017
YVL



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Date: 03.01.2017

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