

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42393 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.112 of 2016 on the file Jaladanki Police Station, SPSR Nellore District, registered for the offences under Sections 354 and 323 r/w.34 IPC and 3 (1) & 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and quash the same.

The case in brief is that the de facto complainant –5th respondent lodged a complaint before the 4th respondent against the petitioners alleging that they abused him and his friends in the name of their caste, and beat him due to a quarrel while travelling in a bus.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that as a counter blast to the complaint lodged by the petitioners against the 5th respondent and his relatives since they attacked the 3rd petitioner, who is the son of the 2nd petitioner, in the said incident, the present complaint is lodged and that the police without registering his complaint, registered the present complaint, which was lodged by the 5th respondent on the next date of incident.

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

The petitioners filed this writ petition challenging the 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 respondents 2 to 4 are directed to complete the investigation and file a final report in the above crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned as and when required, and cooperate with the investigation. In case, the charge sheet is filed before the Court concerned, and summons are received by the petitioners, they shall appear before the Court concerned and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety for the like sum each for their future appearance.

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

RAJA ELANGO, J

December 06, 2016.
KTL

