

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37629 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 3rd respondent in registering FIR No.34 of 2016 on the file of Bandlamottu Police Station, Bantlamottu, Guntur District, against them for the offences punishable under Sections 323 and 506 r/w. 34 IPC and 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 4th respondent, as illegal and arbitrary, and consequently quash the same.

Heard and perused the material available on record.

The 4th respondent made a complaint alleging that his nephew is a School Van driver, and he beat one student, who is the son of the 1st petitioner's brother, therefore, the petitioners beat them and abused them in filthy language.

The grievance of the petitioners is that in fact, the 1st petitioner made a complaint to the principal about the issue and on his return, the 4th respondent and others questioned and beat him indiscriminately, therefore, he made a complaint against them and the same was registered as Crime No.33 of 2016 and as a counter blast to the same the present complaint is made with all false allegations.

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 the present 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 and also the case and counter cases, 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, respondents Nos.2 and 3 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.5,000/- (Rupees five thousand only) with one surety for the like sum each, for their future appearance.

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

RAJA ELANGO, J

November 03, 2016.
KTL



