

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43495 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering FIR No.289 of 2016 on the file of Samalkot Police Station, East Godavari District, against them for the offences punishable under Sections 323 and 506 r/w.34 IPC and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 3rd respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioners are alleged to have abused the de facto complainant – 3rd respondent in the name of his caste and beat him and threatened him with dire consequences, since he asked for his coolie amount.

The case of the petitioners is that they never abused the 3rd respondent in the name of his caste and that the 3rd petitioner engaged him for coolie work and paid the amount to the 3rd respondent.

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.

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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, 2nd respondent is 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) each with one surety for the like sum each, for their future appearance.

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

December 15, 2016.
KTL

RAJA ELANGO, J



