

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35545 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioners seeking a writ of certiorari, for calling the records relating to Crime No.287 of Adilabad I-Town Police Station, Adilabad District, registered against the petitioners for the offence under Section 174 IPC, subsequently, altered to Section 304(II) IPC, and to quash the same.

Heard and perused the material available on record.

The case in brief is that in Sree Krishna Janmastami Vedukalu, organized by the petitioners, the brother of the de facto complainant participated in pomp and gaiety by mounting on the members and in that process, suddenly three persons, who are under his foot, fell down from the top and due to beating by water, he fell down and went to unconscious state and immediately, he was shifted to hospital, where he died while undergoing treatment.

Learned counsel for the petitioners submits that it is a religious function organized every year in view of Sree Krishna Janmasthanmi vedukalu, and suddenly the occurrence took place and unfortunately, the deceased died, and that the petitioners have no knowledge of death; and that initially the names of the petitioners are not mentioned in the FIR, but subsequently, they are implicated in the case and shown as accused and they never forced the deceased to participate in that process and due to pendency of the present case, the petitioners are apprehending arrest and harassment in the hands of police, and that they are ready to cooperate with the investigation.

Considering the facts and circumstances of the case and also the submissions of the learned counsel for the petitioners, without expressing any opinion on merits, the 2nd respondent is directed to complete the investigation in Crime No.287 of 2016 of I-Town Police Station, Adilabad, Adilabad District, and file a final report in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer as and required, and cooperate with the investigation.

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

October 21, 2016.
KTL



RAJA ELANGO, J

