

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36430 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner to declare the action of the 3rd respondent – Superintendent of Police, Kurnool District, in issuing proceedings, dated 20.09.2016, authorizing the 5th respondent to reinvestigate into case No.Cr.No.47 of 2016 of Peddakadabur Police Station, Kurnool District, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The case in brief is that there are family disputes with regard to some property between the petitioner and his paternal uncle. In that regard cases and counter cases are filed. On 05.04.2016, the 7th respondent, who is not known to the petitioner, at the instigation of the paternal uncle of the petitioner, filed a complaint against the petitioner stating that the petitioner abused him in the name of his caste. Basing on the said complaint, Crime No.47 of 2016 was registered against the petitioner for the offences under Sections 323 IPC and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. After completing investigation in the said crime, the 4th respondent submitted a report to the 2nd respondent seeking permission to refer it as 'false.' On considering the material, the 2nd respondent issued proceedings, dated 31.08.2016, according permission to refer the said case as false and the 3rd respondent issued Memo, dated 05.09.2016, instructing the investigating officer to submit final report in the Court. Thereafter, the 3rd respondent issued impugned proceedings stating that the 2nd respondent has cancelled the earlier order, and

authorized the 5th respondent to re-investigate into Crime No.47 of 2016.

The grievance of the petitioner is that even though the matter was directed to be referred as 'false' earlier, after completion of investigation into the said crime, the 3rd respondent passed the impugned order, authorizing the 5th respondent to re-investigate the case, which is illegal and arbitrary.

Admittedly, the earlier proceedings through which the investigating agency wants to file a final report referring the matter as false, was not filed before this Court. Learned Assistant Government Pleader submitted that the said proceedings are internal communication between the officials of the department, and thereafter, the 2nd respondent issued another proceedings, canceling the earlier proceedings, and directed the 3rd respondent to reopen the case, and authorized the 5th respondent to re-investigate the matter.

Considering the facts and circumstances of the case, this Court is of the view that the investigation into the matter cannot be interfered with at this stage and hence, this Court is not inclined to pass any orders as prayed by the petitioner. At this stage, learned counsel for the petitioner submitted that the petitioner apprehends arrest and harassment in the hands of police in view of pendency of the case.

Considering the submission of the learned counsel for the petitioner, the respondents 2 to 6 are directed to complete the investigation in Crime No.47 of 2016 of Pedakadabur Police Station, Kurnool District, and file a final report in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to

appear before the investigating officer concerned as and when 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 27, 2016.
KTL

RAJA ELANGO, J

