

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36746 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.3 in registering a crime vide F.I.R.No.104 of 2016 on the file of Kanekal Police Station, Ananthapur District as illegal and arbitrary and consequently, to set aside the same.

2. Heard and perused the material available on record.

3. Case of the petitioners is that respondent No.4 filed a false complaint against them before respondent No.3 and the same was registered as the aforementioned case for the offences punishable under Sections 447 and 427 read with 34 I.P.C. and Sections 3(1)(f), (r) and (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015; that the complaint does not contain any incriminating material against them; that they never did any criminal activities and respondent No.3 is trying to arrest them without following the due process of law and hence, prays to set aside the same.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and respondent No.3 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on

merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

31.10.2016
AMD

JUSTICE RAJA ELANGO



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Date: 31.10.2016

AMD