

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38368 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in registering FIR No.85 of 2016, against them for the offences punishable under Sections 3(1)(x)(s)(u) (w1), 3(z)(1a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') and 147, 148, 324 and 354(b) r/ w. 34 IPC on the complaint lodged by the 5th respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The grievance of the petitioners is that since they lodged a complaint against the 5th respondent and his men, which was registered as Crime No.84 of 2016 on the file of the 4th respondent police station, for the offences under Sections 147, 148 and 307 r/w.149 IPC, the present complaint is lodged as a counter blast, stating that they abused the 5th respondent in the name of his caste and also beat him.

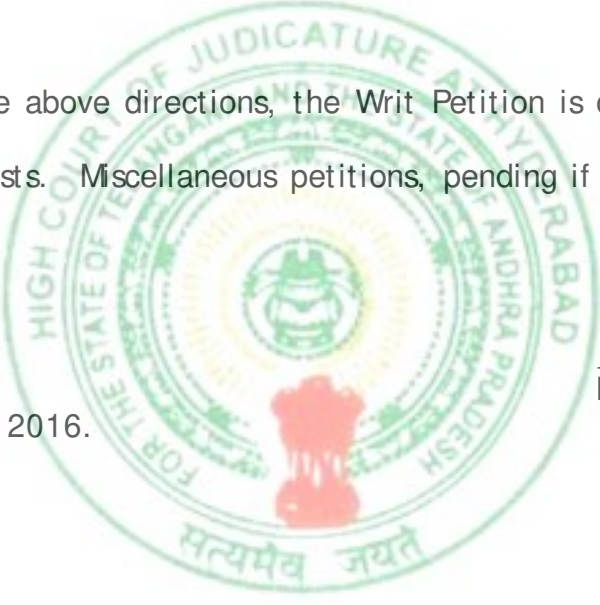
The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners and others, and the respondents are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging the 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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, respondents Nos.2 to 4 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, for their future appearance.

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

November 08, 2016.
KTL

The seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh, is a circular emblem. It features a central green emblem with a white lotus flower. The text 'HIGH COURT OF JUDICATURE AT HYDRABAD' is written in a circle around the top, and 'FOR THE STATE OF ANDHRA PRADESH' is written around the bottom. The motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script at the very bottom. The seal is green and white.

RAJA ELANGO, J