

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40444 of 2016

ORDER:

The present writ petition is filed seeking to declare the FIR No.234 of 2016 on the file of Kurnool Taluq Police Station, Kurnool, registered for the offence under Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), 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, who is their neighbour, in the name of her caste and threatened with dire consequences, with regard to a petty dispute with them.

The case of the petitioners is that there is a dispute with regard to construction of compound wall, between the petitioners and the de facto complainant and in that regard the husband of the de facto complainant went to the house of the 1st petitioner in drunken state, and abused his wife in filthy language and in that connection, the wife of the 1st petitioner lodged a complaint on 31.08.2016 and the same was registered as FIR No.226 of 2016 and as a counter blast to the said complaint, the present complaint is lodged by the de facto complainant with false allegations, and as per the complaint the alleged incident took place on 04.09.2016 and the complaint was lodged on 08.09.2016.

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

Accordingly, respondents Nos.2 and 3 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) each with one surety for the like sum, for their future appearance.

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

RAJA ELANGO, J

November 23, 2016.
KTL

