

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37480 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering FIR No.328 of 2015 against them for the offences punishable under Sections 323, 506 and 498 IPC and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The 3rd respondent lodged a complaint before the 2nd respondent alleging that her husband is having illegal intimacy with the 1st petitioner, due to which her husband harassing her physically and mentally and on coming to know that both of them are living in Hyderabad, she came to Hyderabad along with MRPS members, the 1st petitioner, along with her brother, who is the 2nd petitioner, attacked them and beat them and abused them in the name of their caste.

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

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

Accordingly, the 2nd respondent is 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 costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 02, 2016.
KTL

RAJA ELANGO, J

