

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36513 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 1st respondent in implicating him as A1, in FIR No.140 of 2016 for the offences under Sections 447, 323, 506 and 306 r/w.511 IPC r/w.34 IPC and 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), as illegal and arbitrary and consequently, direct the respondents to delete the name of the petitioner from the FIR.

Heard and perused the material available on record.

The case against the petitioner is that he along with other accused occupied the land of the deceased, who is the husband of the de facto complainant, and threatened him with dire consequences and when the deceased informed the same to the MRO, no action was taken against them. On the date of offence, while the deceased was coming by walk near Alamuru Wines shop, the petitioner and other accused abused him in the name of his caste and also threatened him. Thereafter, the deceased went to the District Collector's office, Kurnool, and committed suicide by consuming pesticides.

The case of the petitioner is that he is innocent of the offences alleged against him and he never abused the deceased and in fact, the deceased was cultivating the government land, and the same was allotted to Grave Yard by the MRO, and when the deceased went to the District Collector's Office, Kurnool, to make a complaint, he did not get the appointment of the Collector, therefore, he committed suicide.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and others, 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, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondent No.1 is directed to complete the investigation and file a final report in the above Crime, in accordance with law, 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. In case, the charge sheet is filed before the Court concerned, and summons are received by the petitioner, he 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 his future appearance.

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

RAJA ELANGO, J

October 28, 2016.
KTL

