

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.16667 of 2016

ORDER:

The petitioners 1 to 3 maintaining the Writ Petition against the respondents 1 to 4, of whom 4th respondent is defacto complainant, to issue writ or order, more particularly to declare the action of the 3rd respondent i.e., Station House Officer, Afzalgunj, in registering crime No.112 of 2016 against them on the report of the 4th respondent under Section 3(i)(x) of SCs, STs (Prevention of Atrocities) Act, 1989 and Sections 448, 506 read with 34 IPC as illegal and arbitrary, with an interim prayer of staying all further proceedings of the said crime.

2. Heard counsel for the petitioner and the Government Pleader for Home representing official respondents 1 to 3 and perused the material on record.

3. The report of the defacto complainant though alleges abusing in caste name, a perusal of the record shows one of the relatives of the accused persons maintained writ petition No.6804 of 2016 to which 4th respondent is a party, and there is a civil dispute in relation to the hading over of the maintenance of dormitory and it is the contention of the petitioners that the crime registered by the 4th respondent is only to threaten the petitioners.

4. In view of the above, the Writ Petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate concerned with application under Section 44 of Cr.P.C., and with an affidavit of surrender and move the Special Judge, for the offences triable under the provisions of SCs, STs (POA) Act, 1989 with notice to the Special Public Prosecutor and in such event the learned Special Judge shall consider for bail, preferably on the same day with necessary conditions. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending if any shall stand closed.

Dr. B.SIVA SANKARA RAO, J

26th May, 2016.

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