

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37626 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to direct the respondents 1 and 2 not to proceed further in FIR No.356 of 2016 for the offence under Section 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), which was registered basing on the complaint lodged by the 3rd respondent, and consequently, quash the same.

Heard and perused the material available on record.

The case of the 4th respondent is that the petitioners cheated her by receiving an amount of Rs.20,00,000/- as advance to sell their land property at Guntur, but there is no land in their name at Guntur, and when he asked to return the said money, they abused him in the name of his caste and threatened him with dire consequences.

The grievance of the petitioners is that they are innocent of the offences alleged against them and they are falsely implicated in the case and the 1st petitioner is a government employee and in case of his arrest, he may lose his job.

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

The petitioners filed the present writ petition challenging 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, 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 each, for their future appearance. .

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

November 03, 2016
KTL

