

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37475 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents 2 & 3 in registering Crime No.127 of 2016 against the petitioner for the offences punishable under Sections 448, 427, 290 and 506 r/w.34 IPC, and subsequently, added Sections 3(1)((xv) 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 allegation against the petitioner is that she along with her father, trespassed into the house of the de facto complainant and thrown the household articles and when questioned by the de facto complainant, they threatened her with dire consequences and also abused her in filthy language.

The grievance of the petitioner is that while selling the house of the 4th respondent to a third party, the petitioner signed as a witness on the documents being a neighbour of the 4th respondent, but the police are trying to arrest her on the basis of the complaint made by the 4th respondent and that she is a government employee, and in case of her arrest, she may lose her job.

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 and since the petitioner is a lady, 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 petitioner.

Accordingly, the respondents 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 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 her 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



