

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36058 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in filing the report in crime No.82 of 2014 referring the complaint as false, wherein atrocity was committed on petitioner and his family members by the unofficial respondents, as arbitrary and illegal; also declaring the action of the third respondent in implicating the petitioners in false criminal case in crime No.81 of 2014 (S.C.No.120 of 2015 on the file of the Assistant Sessions Judge, Luxettipet, Adilabad (Fast Track Court)) as a counter blast as arbitrary and illegal, and consequently to direct the first respondent to reinvestigate the case with superior officials and file appropriate report before the Court concerned.

Heard and perused the material.

Learned counsel for the petitioners submits that the second respondent has not investigated the crime No.82 of 2014 and as such, referring the complaint as false is baseless and is contrary to the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He further submits that the petitioners have been falsely implicated in crime No.81 of 2014, without therebeing any offence committed by the petitioners, and as such, learned counsel seeks a direction to reinvestigate the case with superior officials for proper investigation.

This Court is of the view that the reliefs sought for by the petitioners cannot be granted by invoking Article 226 of the Constitution of India. The petitioners have to seek appropriate relief before the appropriate Court by invoking the provisions under the Code of Criminal Procedure. Hence, the writ petition is liable to be dismissed and is accordingly dismissed. However, till the petitioners seek a remedy before the appropriate Court, their presence

before the Court concerned in the criminal case pending against them, is dispensed with.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

08.11.2016
pln

