

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39762 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering FIR No.145 of 2016 against him for the offences punishable under Sections 323 and 506 IPC and 3 (1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act', as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioner is alleged to have abused the de facto complainant in the name of her caste and threatened her with dire consequences, due to some previous grudge.

The grievance of the petitioner is that he is no way concerned with the alleged offences and in fact, he was beaten by the de facto complainant's members on the same day, and he has given a complaint to the police at 10.45 pm., but the police did not register the same, and due to political rivalry, the present case is foisted against him.

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

The petitioner filed the present writ petition challenging investigation on 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, this Court is of

the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, 2nd respondent 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.10,000/- (Rupees ten thousand only) with one surety for the like sum, for his future appearance.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 17, 2016.
KTL

RAJA ELANGO, J



