

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40263 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.186 of 2016 of Renigunta Police Station, Tirupati Urban, Chittoor District, registered for the offences punishable under Sections 506 IPC and 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), and consequently, quash the same.

Heard and perused the material available on record.

The case in brief is that while the de facto complainant was standing near a tea stall, the petitioners 1 and 2 came there on a motorcycle and hit the leg of the de facto complainant. When the de facto complainant asked them to go slowly, they are alleged to have abused him in the name of his caste and threatened him with dire consequences.

The case of the petitioners is that there money disputes between the de facto complainant and the 2nd petitioner and whenever she requests to repay the amount, the de facto complainant used to threaten her to file false cases and that as per the complainant also the offence took place on 19.09.2016, whereas the complaint was lodged on 20.10.2016 and hence, there is inordinate delay in lodging the compliant.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners and

others, and the respondents are investigating into the matter in accordance with law.

The petitioners filed the present writ petition challenging the 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, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, respondents No.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, 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, for their future appearance.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 22, 2016.
KTL



