

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38345 of 2016

ORDER:

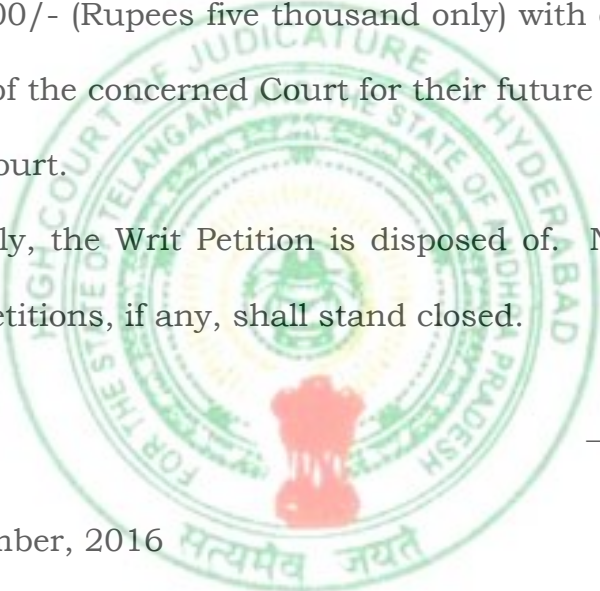
This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 4th respondent in registering the FIR in Crime No.239 of 2016 against the petitioners as illegal and arbitrary.

The allegations made in the complaint lodged by the 5th respondent against the petitioners are that on 04.11.2016 morning when the 5th respondent's son went to his office for work at Narayani Structural India Pvt. Ltd., Kakinada, at that time, the 1st petitioner, who is the owner of that office asked the son of the 5th respondent about the missing amount and when the son replied that he do not know anything about the said amount, the petitioners abused him in the name of his caste and beat him and also threatened him by causing physical harm and mental agony to him, due to which the son of the 5th respondent was vexed on his life and attempted to commit suicide by pouring kerosene on his body prior to 9.30 a.m. on 04.11.2016 at terrace of his office building and lit fire and sustained burn injuries on his overall body and on noticing the same, the neighbours rushed to the scene of occurrence and stopped the flames with water and shifted him to GGH, Kakinada, on 108 Ambulance and admitted him for treatment and that while undergoing treatment, the son of the 5th respondent died. Basing on the death intimation, the 4th respondent altered the section of law from Section 306 IPC and Section 3(1)(r)(zb) of the SCs & STs (POA) Amnd. Act, 2015 to Sections 323, 506 & 309 IPC And Section 3(1)(r)(zb) of the SCs & STs (POA) Amnd. Act, 2015, and issued FIR on 05.11.2016 and registered the same as Crime No.239 of 2016. The main grievance of the petitioners is that the 4th respondent is trying to take the petitioners into custody.

Learned counsel for the petitioners submitted that there are no specific overt acts or allegations against the petitioners and that if the petitioners are arrested, then they will be put to irreparable injury, mental agony and prolonged detention.

Considering the grievance of the petitioners, the 4th respondent is directed to complete the investigation in Crime No.239 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. In case, if any charge sheet is filed and summons are received by the petitioners, they shall appear before the Court concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety each to the satisfaction of the concerned Court for their future appearance before the concerned Court.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.



RAJA ELANGO,J

Date: 22nd November, 2016

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