

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37635 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in registering FIR No.23 of 2015 on the file of Ulavapadu Police Station, Prakasham District, against them for the offences punishable under Sections 195 r/w.34 IPC and 3 (1) (x) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 5th respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioners are alleged to have abused the de facto complainant – 5th respondent in the name of her caste and threatened her to withdraw the cases filed against her husband i.e. elder son of 1st petitioner.

The grievance of the petitioners is that they never abused the 5th respondent and they are innocent of the offences alleged against them and on the basis of the above complaint, the police are trying to arrest them and therefore, requested to stay the investigation in the above crime.

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.

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, 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 petitioners.

Accordingly, respondents Nos.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, 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 each, for their future appearance.

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

November 03, 2016.
KTL

RAJA ELANGO, J

