

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38414 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to call for the records pertaining to FIR No.118 of 2016 on the file of Kirlampudi Police Station, Kirlampudi, East Godavari District, registered for the offences under Sections 420 and 506 IPC and 3(1)(f)(r) s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Heard and perused the material available on record.

It is stated in the affidavit that there the 3rd respondent lodged a complaint against the petitioner stating that he took hand loan of some amount from the petitioner by mortgaging his land and when the petitioner wanted to register to said mortgage, the 3rd respondent went to the Registrar's office where the petitioner took his thumb impressions on some papers, and subsequently, he came to know that the petitioner got executed a sale deed in favour of his paternal uncle and when the 3rd respondent questioned him about the same, he abused him in the name of his caste and not allowed him to cultivate his land.

The case of the petitioner is that in view of pendency of the civil disputes, the 3rd respondent foisted the present case and he never abused him in the name of his case.

The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, 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.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

November 08, 2016.
KTL



RAJA ELANGO, J

