

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41713 OF 2016

ORDER:

The present writ petition is filed seeking to declare the action of the respondents 3 and 4 in registering Crime No.125 of 2016, on the file of Ghanpur Mulug, Warangal, registered for the offences punishable under Sections 290 and 324 r/w.34 IPC and 3 (1) (x) 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 petitioners are alleged to have abused the de facto complainant in the name of his case and beat him, since the de facto complainant took some amount from the 1st petitioner.

The case of the petitioners is that initially the de facto complainant beat the 1st petitioner since the 1st petitioner asked him to repay the amount due to him and caused grievous injury, and then filed present complaint with false allegations, and that the 1st petitioner also lodged a complaint against the de facto complainant, which was registered as Crime No.126 of 2016 on the same day.

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 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) each with one surety for the like sum each, for their future appearance.

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

December 01, 2016
KTL

RAJA ELANGO, J



