

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42441 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of the 2nd respondent in registering the crime No.219 of 2016 of S.Kota Police Station, as illegal and arbitrary and consequently set aside the same.

The learned counsel for the petitioner submitted that the present case was registered maliciously with an ulterior motive for wrecking vengeance against the petitioner and with a view to spite her due to personal grudge. The petitioner belongs to S.C. community and the 3rd respondent is her minor daughter who is also belongs to S.C. community, therefore, registering a crime under S.C./S.T. (PoA) Act does not arise and the said act is not applicable. It is further submitted that the allegations of the complaint are taken on its entirety as gospel truth, they do not attract any of the provision so envisaged in the present F.I.R.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioner, this Court is not inclined to interfere with the proceedings against the petitioner. However, in view of submissions of the learned counsel for the petitioner and the petitioner being a lady, this Court directs the Police concerned to complete the investigation without arresting the petitioner and file the final report in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

06th December, 2016

skmr

