

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43752 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.117 of 2016 pending on the file of the Thurkapalli Police Station, Nalgonda District, against them for the offences punishable under Sections 341, 506 and 427 IPC and 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 4th 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 – 4th respondent and his followers in the name of their caste and threatened them with dire consequences, while the de facto complainant and others are canvassing about Bhagavad Geetha and distributing the same.

The case of the petitioners is that they never abused the 4th respondent and others in the name of their caste and that while the publicity of Bhagavad Geetha is going on in a Mini Van near a temple of the village, the petitioners asked the person who sat inside the van about the permission, for which he abused them in filthy language and threatened them with dire consequences and therefore, the 2nd petitioner lodged a complaint before the 3rd respondent, which was registered as Crime No.116 of 2016 against the 4th respondent and others for the offences under Sections 341, 504 and 506 r/w.34 IPC and as a counter blast to the same, the present complaint is lodged with false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners, 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 circumstances of the case, without expressing any opinion on merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, respondents Nos.2 and 3 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.

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

RAJA ELANGO, J

December 16, 2016.
KTL

