

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40145 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.116 of 2016 on the file of Gudlur Police Station, Prakasam District, against them for the offences punishable under Sections 3 (1) (r) (s) and (2)(5)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') and 323 and 506 r/ w.34 IPC, and quash the same.

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 and his men in the name of their caste, while they were going in procession for Ganesh immersing.

The case of the petitioners is that there are civil disputes between the 4th petitioner and the de facto complaint and when they trespassed into his land and beat him on 04.09.2016, he gave a complaint against the de facto complainant and others and the same was registered as Crime No.142 of 2016.

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.

The petitioners filed this writ petition challenging 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 and the case and counter cases, this Court

is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is 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.10,000/- (Rupees ten thousand only) with one surety for the like sum, for their future appearance.

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

November 21, 2016.
KTL

RAJA ELANGO, J

