

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40202 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 4th respondent in registering the Crime No.175 of 2016 after closing the earlier FIR No.133 of 2016 under Sections 3(i)(f)(s) of the SCs & STs (POA) Act, as illegal and arbitrary.

The case of the petitioner is that the 5th respondent lodged the present complaint on 15.11.2016 to the 4th respondent alleging that the 5th respondent is the owner and possessor of the agricultural land to an extent of Ac. 0.10 guntas, which was assigned in the year 1986 and since then, the 5th respondent has been cultivating the land. It is alleged that the petitioner, who is the husband of the Sarpanch of the village directed that the village people should not cultivate the said land by informing the same through tom tom. It is further alleged that the petitioner has been misusing the funds collected towards seigniorage fee of sand and also neglecting the repairs of drainage canal and also forming the roads in the village and neglecting the development of the village and when the 5th respondent and his followers questioned the petitioner for the same, the petitioner abused the 5th respondent and others by using their caste name and hence, basing on the said complaint, the 4th respondent registered the same as Crime No.175 of 2016 by the 4th respondent against the petitioner under Section 3(1)(f)(g)(s) of the SCs & STs Act, 2015.

The main grievance of the petitioner is that the 5th respondent also filed a complaint on 10.08.2016 in earlier occasion before the 4th respondent wherein the 4th respondent has registered the same in Crime No.133 of 2016 under Sections 447, 506 IPC and Section 3(1)(f)(s) of the SCs & STs (POA) Act, 2015 and filed the remand report after completion

of investigation on 06.10.2016 against A-2 and also stated that no *prima facie* case has been made out against the petitioner and dropped the proceedings and that being unsuccessful in Crime No.133 of 2016, the 5th respondent lodged the present complaint only to harass and defame the petitioner in the society keeping the political rivalry and that if the petitioner is arrested by the 4th respondent, then the petitioner will be put to great irreparable loss and hardship for no fault of him.

Considering the grievance of the petitioner, the 4th respondent is directed to complete the investigation in Crime No.175 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. In case, if any charge sheet is filed and summons are received by the petitioner, he shall appear before the Court concerned and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety to the satisfaction of the concerned Court for his future appearance before the concerned Court.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 22nd November, 2016

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