

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40326 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare FIR No.455 of 2016 of Kachiguda Police Station, Hyderabad, registered for the offence under Sections 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), and consequently, quash the proceedings against him.

Heard and perused the material available on record.

The allegation against the petitioner is that he abused the de facto complainant in the name of his caste when he came to see his sister, who is a tenant of the petitioner.

The grievance of the petitioner is that since the sister's family of the de facto complainant creating problems with them, his wife lodged a complaint against them and as counter blast to the same, the present case is foisted against him.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and the respondents are investigating into the matter in accordance with law.

The petitioner 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 petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is 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 petitioner, he shall appear before the Court concerned and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance.

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

November 22, 2016.
KTL



RAJA ELANGO, J