HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36547 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India with a prayer to call the records pertaining to Crime No.251 of 2016 on the file of the Town Police Station, Kadiri, Ananthapuram District, registered against him, and to quash the same.

Heard and perused the material available on record.

The case in brief is that the 5th respondent is working as coolie in Radhika Cinema Theater, and on the instructions of his owner, he along with two others went to Saibaba Temple and cleaning the open site beside the temple, by cutting the bushes. While doing the same, the petitioner came there and asked them whey they are doing that work and asked the name and address of the 5th respondent. On that, the 5th respondent disclosed his name and address and also his caste, then, the petitioner abused him in the name of his caste and also beat him. Hence, the 5th respondent lodged the present complaint.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him, and in fact, he is owner of the land where the 5th respondent is cleaning the bushes, but the owner of the 5th respondent, is trying to grab the land and at his instance, the 5th respondent filed the present complaint and that the petitioner is not even aware of the caste of the 5th respondent and hence, he requested to quash 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, respondents Nos.2 to 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, 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.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

October 28, 2016.

KTL

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते