

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41689 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating FIR No.05 of 2016 on the file of Mothey Police Station, Nalgonda District, for the offences punishable under Sections 306 r/w.34 IPC and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), as illegal and arbitrary.

Heard and perused the material available on record.

The allegation against the petitioner is that the petitioner along with others abused the husband of the de facto complainant in the name of his caste and beat him, due to which her husband felt insulted and committed suicide by hanging.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and in the remand report also there is no material collected against the petitioner and that the petitioner is apprehending arrest in the hands of police.

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

The petitioner filed this 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 and the grievance of the petitioner,

without going into the merits 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 and 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, and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his appearance before the investigating officer concerned, as and when required for the purpose of investigation.

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

December 01, 2016
KTL



RAJA ELANGO, J

