

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44814 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2<sup>nd</sup> respondent in registering FIR No.70 of 2016 against them for the offences punishable under Sections 506 IPC and 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 3<sup>rd</sup> respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioner is alleged to have abused the de facto complainant – 3<sup>rd</sup> respondent, who is Sarpanch of the village, in the name of his caste and threatened him with dire consequences, when he attended a death ceremony and discussing about the village issues with the villagers.

Learned counsel for the petitioner submitted that the petitioner is Ex-Sarpanch of the village and the de facto complainant is the present Sarpanch and that due to political rivalry, he was falsely implicated in the present case and that the petitioner is ready to cooperate with the investigation.

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.

Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the

circumstances of the case, without expressing any opinion on the merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2<sup>nd</sup> respondent is 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. 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.10,000/- (Rupees ten 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.

December 22, 2016.  
KTL

RAJA ELANGO, J

