

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37738 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating to FIR No.196 of 2016 on the file of I-Town Police Station, Khammam, Khammam District, for the offence punishable under Section 3(1)(r)(s) (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 4th 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 – 4th respondent in the name of his case and beat him and his family members, with regard to construction of house and putting up the windows and ventilators towards the house of 4th respondent.

The case of the petitioner is he is innocent of the offence alleged against him and in fact the 4th respondent and his family members threatened him to file a SC/ ST case against him, if he proceed with the construction of house.

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, 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, 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 04, 2016.
KTL

RAJA ELANGO, J