HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.26474 OF 2013

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in registering FIR No.109 of 2013 on the file of Palakoderu Police Station, West Godavari District, against them for the offences punishable under Sections 324 r/w.34 IPC and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 5th respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioners are alleged to have abused the de facto complainant – 5th respondent in the name of his case and threatened him with dire consequences, with regard to a land.

The 3rd respondent filed counter stating that during the course of investigation, no case was established against petitioners 2 and 3 i.e. A2 and A3, therefore, their names were deleted. However, the offence under Section 324 r/w.34 IPC was established against petitioners 1 and 4 i.e. A1 and A4 and therefore, charge sheet would be filed against petitioners 1 and 4 for the said offence.

Considering the facts and circumstances of the case and in view of the counter filed by the 3rd respondent, without expressing any opinion on merits, the petitioners are permitted to challenge the charge sheet to be filed by the 3rd respondent and raise their objections, if any, before the appropriate forum.

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

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RAJA ELANGO, J

October 18, 2016.
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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते