

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40373 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in harassing the petitioner in crime No.416 of 2016, registered for the offences punishable under Sections 447, 427 and 506 r/w.34 IPC and 3 (1) (s) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint, as illegal and arbitrary and consequently, quash the proceedings against him.

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 in the name of his caste and threatened him with dire consequences, while the de facto complainant is watering the construction of his owner.

The case of the petitioner is that there are civil disputes between the owner of the de facto complainant and the petitioner and that civil suits are also pending in that regard and after filing the civil suit by the petitioner against the owner of the de facto complainant, the present case is filed by the de facto complainant, who is working as watchman, at the instance of his owner.

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 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, without going into the merits, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd 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.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance.

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.

November 22, 2016.
KTL

RAJA ELANGO, J

