

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37751 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.170 of 2016 on the file of Kadiri Town Police Station, Anantapuram District, against them for the offences punishable under Sections 448, 324 and 354 r/ w.34 IPC and 3 (1) (r)(s) 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 there is a dispute between the petitioners and the 5th respondent with regard to registration of land and the 5th respondent lodged a complaint against the petitioners in Patnam Police Station, due to which the petitioners have abused the de facto complainant in the name of her case and beat her.

The case of the petitioners is that they are innocent of the offences alleged against them and that due to some civil disputes with the de facto complainant, she filed the present case with all false allegations.

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

The petitioners 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 petitioners.

Accordingly, respondents Nos.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are 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 petitioners, they 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 each, for their future appearance.

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

RAJA ELANGO, J

November 04, 2016.
KTL



