

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42359 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 4th respondent in registering FIR No.472 of 2016 on the file of III-Town Police Station, Visakhapatnam, against the petitioner for the offence under Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), as illegal and arbitrary and consequently, direct the official respondents to drop the proceedings against the petitioner in the above case.

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 – 5th respondent in the name of his caste and insulted him, when he went to the SBI office to ask for his retirement amount.

The case of the petitioner is that the petitioner never abused him in the name of his caste and as on the date of complaint, he had no occasion to meet the 5th respondent and as per the complaint also, the alleged occurrence took place in the month of June 2016 and the report was lodged in November 2016, and hence, there is delay in lodging the complaint, and therefore, he requested to direct the official respondents to drop the proceedings against him.

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 facts and circumstances of the case and also the grievance of the petitioner, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

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 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.

RAJA ELANGO, J

December 06, 2016.
KTL



