

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35719 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in Crime No.66 of 2016, dated 14.09.2016 of Golugonda Police Station, Visakhapatnam Rural against the petitioners, as arbitrary and illegal and consequently to set aside the same.

2. The case of the petitioners is that there was political rivalry between the family of the petitioners and complainant. Prior to the present complaint, the brother of *de facto* complainant lodged a false complaint on similar footing against some of the petitioners and police investigated the matter and filed charge sheet. After conducting trial, all the accused were acquitted. Now respondent No.4 lodged the present complaint on 14.09.2016 alleging that some of his relatives sitting over the front row where the drama was going to be played and the petitioners came to the place, assaulted and abused them in the name of caste, whereas they claimed that they are Tribals for which, without conducting any preliminary enquiry, the police registered the present crime.

3. Heard the arguments and perused the material available on record.

4. Learned counsel for the petitioners submits that the petitioners are innocent of the offences alleged and that they are falsely implicated in this case and hence, prays to quash the aforesaid F.I.R.

5. Considering the facts and circumstances of the case and also the submissions of learned counsel for the petitioners, this Court is not inclined to interfere with the investigation at this stage. However, the 4th respondent is directed to complete the investigation in Crime No.66 of 2016 as expeditiously as possible, without arresting the petitioners and file a final report, if any, either way in accordance with law, within a period of six months from today. The petitioners are directed to appear before the Investigating Agency as and required and co-operate with the investigation.

6. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

OCTOBER 24, 2016
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Date: 24.10.2016

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