

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43467 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the respondents in registering FIR No.384 of 2016 on the file of Pendurthi Police Station, Visakhapatnam, against them for the offences punishable under Sections 420, 376, 354, 328, 406 and 506-II r/w.34 IPC and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), on the complaint lodged by the 4th respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The 4th respondent lodged a complaint stating that she is working as a servant maid in the house of the petitioners 1 and 2; that they gave intoxication to her and the 1st petitioner enjoyed her sexually and abused her in the name of her caste when she asked to return her silver and gold ornaments which she gave to them for safe custody and their son-in-law – 3rd petitioner, also abused her over phone.

The case of the petitioners is that the 1st petitioner is retired from government service 20 years back; that the petitioners 1 and 2 are living separately as their son and daughter are living with their families away from them and since they are not able to move easily, they took the 4th respondent as a servant maid, but taking advantage of their old age, the 4th respondent demanded them money and gold ornaments and when they refused to give the same, she lodged the above complaint with 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. This Court is not inclined to interfere with the investigation in the above crime. However, 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, 3rd respondent is 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) each with one surety for the like sum each, for their future appearance.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 15, 2016.
KTL



