

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38400 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records in Crime No.129 of 2016 on the file of the Bandi Atmakur Police Station, Bandi Atmakur, Kurnool District, registered against the petitioners for the offences under Sections 324 and 506 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 3rd respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioners are alleged to have abused the de facto complainant – 3rd respondent in the name of his case and also beat him while he is doing agricultural work in the land belong to Chennakesava Swamy Temple.

The case of the petitioners is that they never abused the 3rd respondent in the name of his caste, but infact, there are civil disputes between the 1st petitioner and the father of the 3rd respondent and when the 3rd respondent's family members attacked the petitioners 1 and 2, they lodged a complaint against the family members of the 3rd respondent, which was registered as Crime No.186 of 2016.

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

The petitioners filed this 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 and also the case and counter cases, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

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 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, for their future appearance.

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

November 08, 2016.
KTL

RAJA ELANGO, J



