

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37430 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare Crime No.61 of 2016 on the file of Town Police Station, Nuzvid, Krishna District, registered against him for the offence punishable under Sections 417 and 376 IPC and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The allegation against the petitioner is that by promising to marry the de facto complainant, he developed illegal intimacy with her and thereafter, postponing the matter and when she asked to marry her, he abused her in the name of her caste and also refused to marry her.

The grievance of the petitioner is that he never promised the de facto complainant to marry her and there are no specific overt acts of abusing her in the name of her caste and that he is innocent of the offences alleged 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.

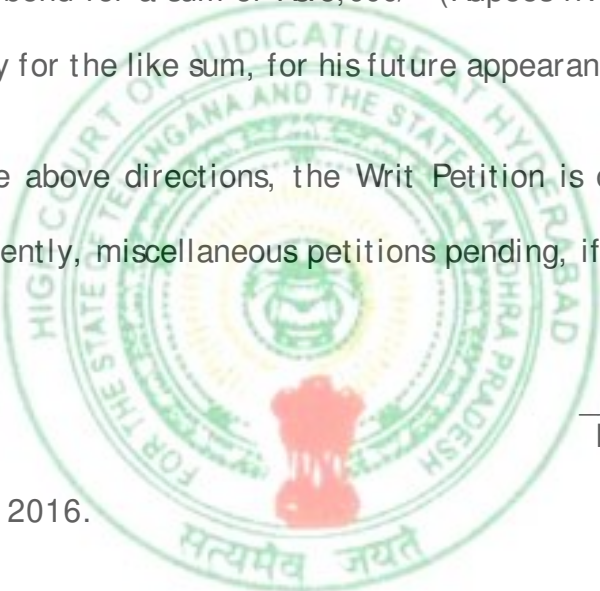
Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, without going into the merits of the case, this

Court is of the view that the above crime can be investigated into, without arresting the petitioner.

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 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.

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

November 02, 2016.
KTL



RAJA ELANGO, J

