

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37651 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.217 of 2016 on the file of Station House Officer, Owk Police Station, Kurnool District – 2nd respondent, against them, for the offences punishable under Sections 323 and 354 r/w.34 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, and consequently, set aside the same.

Heard and perused the material available on record.

The 3rd respondent lodged a complaint against the petitioners alleging that her younger father-in-law took a hand loan of Rs.2,000/- from the 1st petitioner and on the date of incident he along with the other petitioners, came to her house and demanded for repayment of the said amount and in that connection a quarrel took place and in that quarrel, the petitioners beat them with hands and legs and outraged her modesty and abused them in filthy language.

The grievance of the petitioners is that they never abused the 3rd respondent or her family members and they never beat them and in fact, the 3rd respondent, who worked as a Field Assistant under Mahathma Gandhi National Rural Employment Guarantee Scheme, has indulged in misappropriation of funds and the villagers made complaints against her and since his wife is Sarpanch of the village, she addressed a letter to the higher authorities and the 3rd respondent was removed from the service and therefore, she lodged the present complaint due to the said rivalry.

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.

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 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 each, for their future appearance.

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

RAJA ELANGO, J

November 03, 2016.
KTL



