

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40074 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 4th respondent in registering FIR No.378 of 2016, as illegal and arbitrary.

The allegations made in the present complaint lodged by the 5th respondent against the petitioner are that the petitioner and his brothers have borrowed a loan of Rs.25,00,000/- from the Bank of Baroda, Jubilee Hills Branch, Hyderabad, and the 5th respondent stood as surety for the said loan and gave collateral security of his house costing Rs.2 crores to the said bank. Subsequently, the petitioner and his brothers are not paying the loan installments regularly and that the loan has become overdue and the bankers have began the process of auctioning the house of the 5th respondent and when the 5th respondent went to the shop of the petitioner and asked for the repayment of the loan and how to stop auctioning of his house, then the petitioner got angry and abused him in the name of his caste. Basing on the said complaint, the 4th respondent registered the same as FIR No.378 of 2016, dated 31.05.2016, for the offence punishable under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

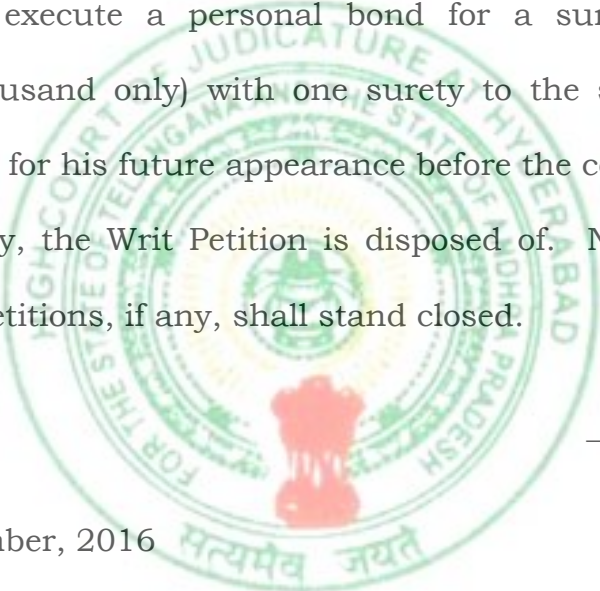
The main grievance of the petitioner is that the 4th respondent is harassing the petitioner.

Learned counsel for the petitioner submits that the petitioner received a notice under Section 41(a) Cr.P.C. from the office of the Assistant Commissioner of Police, Panjagutta Division, Hyderabad, in connection with the above said crime, for which the petitioner has given a reply on 13.10.2016 to the Assistant Commissioner of Police for the alleged allegation levelled against him by the 5th respondent.

Learned Assistant Government Pleader for Home submitted that in any event, the 4th respondent has not chosen to arrest the petitioner till date.

Considering the grievance of the petitioner and the submissions of both the learned counsel, in any event, if the petitioner apprehends arrest in the hands of the 4th respondent, the 4th respondent is directed to complete the investigation in FIR No.378 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. In case, if any charge sheet is filed and summons are received by the petitioner, he shall appear before the Court concerned and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety to the satisfaction of the concerned Court for his future appearance before the concerned Court.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.



RAJA ELANGO,J

Date: 21st November, 2016

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