

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40130 OF 2016

ORDER:

The present writ petition is filed seeking to declare the action of the 3<sup>rd</sup> respondent in registering FIR No.210 of 2016 on the file of Indrapalem Town Police Station, Kakinada, East Godavari District, for the offences punishable under Sections 447 and 506 r/ w.34 IPC and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act'), and quash the same.

Heard and perused the material available on record.

The case in brief is that the petitioners threatened the de facto complainant to withdraw the case filed by her against one Uday Kumar.

The case of the petitioners is that the de facto complainant borrowed certain amount from the 1<sup>st</sup> petitioner and since she failed to repay the same, he filed a suit and therefore, she filed the present case 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 this writ petition challenging 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 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 respondents 2 and 3 are 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.10,000/- (Rupees ten 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.

November 21, 2016.  
KTL

RAJA ELANGO, J



