

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37403 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in registering FIR No.63 of 2016 against them for the offences punishable under Sections 447, 427 and 324 r/w.34 IPC and 3(1), 3(2)(V-A) 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 petitioners is that they trespassed into the land of the de facto complainant – 3rd respondent and assaulted him by abusing him in the name of his caste and caused bleeding injuries.

The grievance of the petitioners is that on 20.10.2016, the 3rd respondent along with his family members trespassed into their land and unloaded a tractor of bricks and sand with a view to dispossess them from the land even though there is an injunction order existing in their favour with regard to the subject land.

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, for their future appearance.

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

RAJA ELANGO, J

November 02, 2016.
KTL