

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37407 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.337 of 2016 on the file of Chikkadpally Police Station, Hyderabad City, against them for the offences punishable under Sections 419, 420 and 506 IPC and 3 (1) (x) 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 3rd respondent lodged a private complaint alleging that he advertised in OLX.Com for sale of his Mahindra Scropio Vehicle and in pursuance thereof, the 1st petitioner approached him and informed him that he is having a buyer to purchase the vehicle at Rs.4,15,000/- and asked the complainant to hand over the vehicle and all the documents. Believing his words, the complainant handed over the vehicle and its original documents to the 1st petitioner. Since the 1st petitioner did not pay him the sale consideration, the complainant went to the house of the 1st petitioner. Then, the petitioners abused him in the name of his caste and threatened him with dire consequences.

The grievance of the petitioners is that they never abused the complainant in the name of his caste and the 1st petitioner did not take his car and the allegations in the complaint are false and fabricated, and that the 2nd petitioner is an old aged person and due to pendency of this case, the police are trying to arrest them and therefore, requested to set aside the above FIR.

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 and the grievance of the petitioners, 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.

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

RAJA ELANGO, J

November 02, 2016.
KTL