

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42457 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of the respondents in registering the F.I.R. on the basis of the complaint of respondent Nos.4 and 5 against the petitioners and their family members as F.I.R.No.116 of 2016 on the file of Tuni Town Police Station, East Godavari District, for the offences punishable under Sections 341, 324, 323, 506 I.P.C. and Section 3(1)(x)(B)(2)(Va) of S.Cs. & S.Ts. (PoA) Act, 1989 amendment 1 of 2016 read with Section 34 I.P.C., as illegal and arbitrary.

The learned counsel for the petitioners submitted that petitioners are innocents and have been falsely implicated by one, K.Siva Venkata Satyanarayana @ Siva Reddy by engaging complainants who are rowdies of locality. The petitioner No.2 is a Police Constable and when he received the information that his family members were attacked by respondents 4, 5 and others, he obtained permission from his superiors, went to the place and by that time, his family members were beaten by respondents 4 and 5 herein and others and both parties have given complaints against each other. It is further submitted that petitioners are not aware that respondents 4 and 5 belong to schedule caste and therefore, the question of abusing them by caste name does not arise. It is further submitted that there are two suits pending between petitioner No.2's mother and the said K.Siva Venkata

Satyanarayana @ Siva Reddy i.e., O.S.No.70 of 2016 and O.S.No.73 of 2016 on the file of the Principal Junior Civil Judge, Tuni and his mother was granted interim injunction restraining the said K.Siva Venkata Satyanarayana @ Siva Reddy and others from interfering with their possession and enjoyment of the property concerned.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners, this Court is not inclined to interfere with the proceedings against petitioners. However, in view of the submission of the learned counsel for the petitioners and as it is a civil dispute, this Court directs the Police concerned to complete the investigation without arresting the petitioners and file the final report in accordance with law. The petitioners are directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety for a like sum each to the satisfaction of the Investigating Officer for their future appearance as and when required by the investigating agency for the purpose of investigation

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

06th December, 2016

skmr