

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40144 OF 2016

ORDER:

The present writ petition is filed seeking to declare the action of the respondents 3 and 4 in registering FIR No.239 of 2016 on the file of Kadiri Town Police Station, Ananthapuramu District, for the offences punishable under Sections 420 and 506 r/ w.34 IPC and 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act (for short 'the Act'), and quash the same.

Heard and perused the material available on record.

The case in brief is that the petitioner and others sold a old house to the de facto complainant and after receiving the entire sale consideration and after registration, when the de facto complainant is doing repair works to the said house, the petitioner came there and necked her out claiming that the house belongs to her and the other accused also came there and abused the de facto complainant in the name of her caste and also threatened with dire consequences.

The case of the petitioner is that her husband gifted the subject property in her favour and due to some disputes, they got divorced and her husband cancelled the gift deed without her knowledge and the same was sold to another accused, and the petitioner has also filed a civil suit with regard to that property and the de facto compliant knowing that the said property is in dispute, purchased the same and when the petitioner objected the same, she filed the present complaint with false allegations.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and the respondents are investigating into the matter in accordance with law.

The petitioner 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 petitioner.

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 petitioner. The petitioner is 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 petitioner, she 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, for her future appearance.

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

RAJA ELANGO, J

November 21, 2016.
KTL



