

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35822 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India aggrieved over the registration of Crime No.583 of 2016 on the file of the 2nd respondent, against them for the offence under Sections 394, 323 and 506 IPC.

2. The main grounds raised by the learned Counsel for the petitioners herein are that the petitioners are students and that there was a quarrel between the petitioners and the 3rd respondent herein on the date of occurrence while watching the musical concert called 'Sunburn', in connection with earlier quarrel and that the present complaint lodged by the 3rd respondent alleging that the petitioners took a sum of Rs.50,000/- from him, is absolutely false, and the said allegation was added only to give a colour that the offence is so serious in nature.

3. The third respondent through Sri S. Satyanarayana Murty, Senior Counsel submitted that the petitioners snatched away Rs.50,000/- from the 3rd respondent.

4. On request made by the 3rd respondent earlier, the petitioners were called and the petitioners appeared today before this Court and informed that they had not taken any such amount as alleged by the 3rd respondent. The 1st petitioner informed that the 3rd respondent is known to him very well and he is a junior to him in his college days. Further, the 1st petitioner informed that the question of snatching away money does not arise.

5. Learned Senior Counsel submitted that A1 and A4 confessed before the police concerned that the said money was taken by the present

petitioners. On instructions, the learned Counsel for the petitioners submitted that the other accused have not confessed as stated by the investigating agency.

6. Since the petitioners are aged about 20 and 22 years, this Court is of the view that their arrest and detention in jail will certainly cause prejudice to their future. Apart from that, the alleged occurrence can be investigated into by the investigating agency those who are capable of understanding the veracity of the complaint. The investigating agency can very well find out the truth through the interrogation of the petitioners and the witnesses, who witnessed the occurrence alleged by the 3rd respondent herein.

7. Considering the facts and circumstances of the case and in the interest of justice, without expressing any opinion on the rival contentions of both the parties, this Court is inclined to pass the following order:

“The petitioners are directed to appear before the Station House Officer concerned every day at 5 p.m., for a period of 10 days and to co-operate with the investigating agency. The 2nd respondent is directed to complete the investigation and file a final report, without arresting the petitioners.”

8. With the above directions, the Writ Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 2nd November, 2016
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