

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43507 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering FIR No.167 of 2016, for the offences under Sections 323 and 354 r/w.34 IPC and 3 (1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The 3rd respondent lodged the above complaint alleging that the petitioners abused her in the name of her caste and beat her with hands and legs, when she went to attend a meeting of the Pragathi Women Cooperative Thrift and Credit Society Limited (for short 'the Society').

It is the case of the petitioners that the 4th petitioner is the CEO and the petitioners 2 and 3 are the Directors of the Society; that the 3rd respondent joined as a Field Assistant in the Society; that since she committed various irregularities, she was removed from her services in the year 2012 itself and that with a view to harass them, she filed the present complaint as a counter blast to the complaint already lodged by the petitioners.

The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case and the case and counter cases, this Court is

of the view that the investigation can be completed 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 in either way, 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.10,000/- (Rupees ten thousand only) with one surety for the like sum, for their future appearance.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

December 15, 2016
KTL