

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43417 OF 2016

ORDER:

This writ petition is filed seeking to set aside the proceedings in Crime No.47 of 2016 on the file of Kondapuram Police Station, Sri Potti Sri Ramulu Nellore District against the petitioners.

2. Heard and perused the material available on record.
3. Case of the petitioners is that respondent No.3 filed a false complaint against them before respondent No.2 and the same was registered as the aforementioned crime for the offences punishable under Sections 323 and 324 read with 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015; that the complaint does not contain any incriminating material; that they never did any criminal activities and respondent No.2 is trying to arrest them without following the due process of law.
4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and respondent No.2 is investigating the matter in accordance with law.
5. The petitioners are ready to cooperate with the police for investigation. The case arose out of civil disputes between the parties. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondent No.2 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in

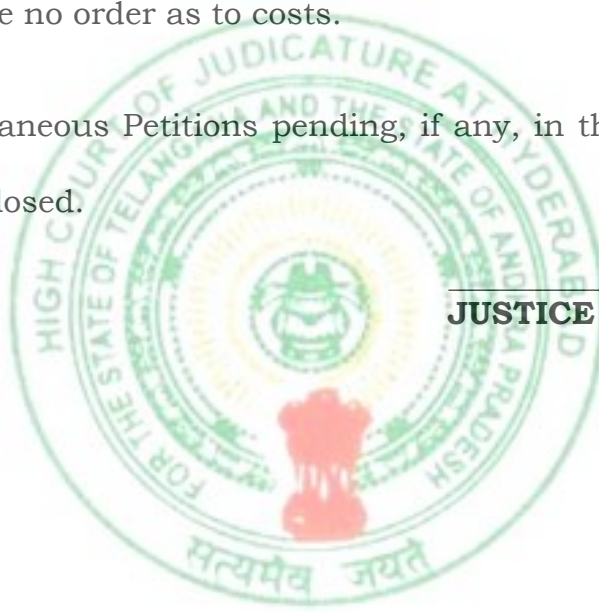
accordance with law in either way, without arresting the petitioners. However, the petitioners shall appear before the investigating officer as and when required for the purpose of investigation. In case any charge sheet is filed and summons are received by the petitioners, they shall appear before the Court concerned and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

15.12.2016
AMD

JUSTICE RAJA ELANGO



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AMD