

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42678 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to call for the records relating to Crime No.129 of 2016, dated 17.09.2016, on the file of 4th respondent-Station House Officer, Penugonda Police Station, West Godavari District, registered for the offences punishable under Sections 417, 420 and 506 read with 34 IPC and Section 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015 and quash the same.

2. In the affidavit filed in support of the petition, it is stated that the 5th respondent lodged a complaint stating that the 1st petitioner abused her in the name of caste when she visited the Tahsildar office on 22.08.2016 and also threatened her. Few months prior to that, when she went to the Village Secretary for sanction of the plan, he demanded Rs.5,000/- bribe, for which he got him arrested through ACB officials. Subsequently, the other petitioners obtained the thumb impression of the 5th respondent by force with a promise to get her pension. When she submitted papers to the officials, the officers concerned after verifying the same found that the same does not pertaining to pension, but relating to ACB case. All the accused cheated and abused the *de facto* complainant in the name of her caste. Basing on registration of aforesaid Crime, 4th respondent –police is trying to arrest the petitioners without following due process of law.

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

4. The main grievance of the petitioners is that basing on the complaint lodged by *de facto* complainant, the 4th respondent is trying to arrest the petitioners without conducting any enquiry and issuing any notice.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondents No.4-Station House Officer, Penugonda Police Station, West Godavari District, is directed to complete the investigation in Crime No.129 of 2016 of Penugonda Police Station, West Godavari District and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are directed to report before the 4th respondent as and when required. The petitioners are further directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety to the satisfaction of the 4th respondent as surety for their future appearance for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

DECEMBER 09, 2016
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Date:09.12.2016

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