

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41540 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to call for the records relating to FIR No.129 of 2016, on the file of Narasapuram Rural Police Station, West Godavari District, and to quash the proceedings against him.

Heard and perused the material available on record.

The above crime was registered basing on the statement given by the victim, stating that she is a widow and she is staying along with her younger daughter. Her neighbours outcasted them and harassed them to leave the village and some of them are also harassing her younger daughter to fulfil their lust. Therefore, she lodged a complaint before the 2nd respondent. Thereafter, when she came to her house, the accused stated that until she dies, they cannot live peacefully and induced her to commit suicide. Felt aggrieved by their words, the victim poured kerosene on her and let fire herself, upon which A1 laughed at her, and thereafter, another neighbour shifted her to Government Hospital. Her statement was recorded in the hospital and on the said statement, the Section of law was altered to 306 and 354(A) r/w.34 IPC, and subsequently, she succumbed to burn injuries.

The grievance of the petitioner is that initially the FIR was registered for the offence under Section 309 IPC and subsequently, the same was altered to Sections 306 and 354 (A) IPC, and his name was not there in the FIR at the first time, but subsequent to the death of the victim, he was shown as A10, even though there are no specific allegations against him in the statement of the victim, and that the police are trying to arrest him.

The petitioner 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, this Court is of the view that the investigation can be completed 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 in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with one surety for the like sum, for his appearance before the investigation officer concerned, as and when required for the purpose of investigation.

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

Date: 4th January, 2017

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