

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 44880 of 2016

Order:

In spite of granting time, the petitioners could not take out notice to the fourth respondent and, though the learned counsel for the petitioners submits that the acknowledgment was not received, there is no proof of service of notice on the fourth respondent. The notice on the fourth respondent, however, served by the Court and none appeared for the fourth respondent.

This Writ Petition was filed challenging the registration of Crime No.239 of 2016 by the second respondent on 14.12.2016 on the complaint lodged by the fourth respondent. The complainant is aged about 66 years and it appears that in connection with firing of crackers in front of her house some dispute arose. It appears that on an earlier complaint lodged by the fourth respondent a petty case was booked against the accused and when the accused continued harassment, the present complaint was lodged for using the caste name of the complainant. In those circumstances, FIR No.239 of 2016 was registered on 14.12.2016.

This Court, by order dated 22.12.2016, granted interim stay, as a result of which, the further investigation of the crime is stopped. After perusing the complaint, this Court feels that registration of crime is not bad in law, however with regard to attraction of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, some investigation has to be done.

In the circumstances, this Writ Petition is disposed of giving liberty to the respondents 2 and 3 to continue the investigation pursuant to

registration of Crime No.239 of 2016 in accordance with law, but they shall not arrest the petitioners during the process of investigation without obtaining the orders from the concerned Magistrate, if their arrest is warranted. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 21.03.2017
Nsr

