

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38643 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in calling the petitioner to the police in relation to crime No.89 of 2016 though the name of the petitioner is not in F.I.R., as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that though the name of the petitioner is not mentioned in the F.I.R., the second respondent is frequently calling the petitioner to the police station in relation to the F.I.R.No.89 of 2016 and as such, he seeks a direction to the first respondent not to call the petitioner to the police station and not to arrest the petitioner in relation to the said crime.

This Court is not inclined to quash the proceedings. However, taking into consideration the facts and circumstances of the case, the second respondent is directed not to call the petitioner to the police station and to follow due process of law laid down in Code of criminal Procedure. The second respondent is further direction not to arrest the petitioner in relation to the F.I.R.No.89 of 2016 and complete the investigation and file final report, if any, in accordance with law. The petitioner is directed to appear before the second respondent if he is required for the purpose of investigation and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) for his future appearance.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

10.11.2016
pln