

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41770 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of certiorari to call for the records pertaining to F.I.R.No.66 of 2015 registered on the file of the second respondent for the offences under Sections 419, 420 read with Section 34 IPC and Section 156(3) of the Code of Criminal Procedure (CrPC) and declare the same as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint is lodged without any valid grounds and that the same is lodged only to harass the petitioners and as such, he prays this Court to quash the same.

The case is registered on the basis of the reference made under Section 156(3) of the Code of Criminal Procedure. The learned Magistrate has not followed the procedure as per the directions of the Hon'ble apex Court, while referring the case under Section 156(3) CrPC.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that the case is referred under Section 156(3) of the CrPC., the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance as and when required for the purpose of investigation.

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

JUSTICE RAJA ELANGO

01.12.2016
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