

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43252 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of 4th respondent in registering F.I.R. No.169 of 2016 as against the petitioners as arbitrary and illegal and consequently, quash the same.

The case of the petitioners is that on the complaint given by 5th respondent, the 4th respondent registered a case against the petitioners in F.I.R. No.169 of 2016 for the offences punishable under Sections 294(b), 323, 506 r/w 34 IPC and Section 3(1)(r)(s) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. It is the case of the petitioners that they are implicated falsely due to the rivalry with the 5th respondent and that they have not committed the offence as alleged in the complaint.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 5th respondent, the 4th respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate for the investigation, but, however, they are apprehending arrest and harassment in the hands of 4th respondent-police.

Considering the facts and circumstances of the case, the 4th respondent is directed to complete the investigation in F.I.R. No.169 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners are directed to appear before the 4th respondent-police and each of them shall execute a personal bond for

a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for their future appearance as and when required for the purpose of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

14.12.2016.
Tsr



