

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41637 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in registering the case being crime No.1057 of 2016 registered for the offences under Sections 420, 467, 468, 470, 120-B IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present crime and that he has not committed any of the offences as alleged against him. He further submits that there are civil disputes between the petitioner and the third respondent and a case under Section 138 of the Negotiable Instruments Act is also pending between them. He further submits that the present false complaint is lodged only to harass the petitioner and to compel the petitioner to come to the terms of the third respondent. Hence, he prays this Court to quash the same.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the fact that there are civil disputes between the petitioner and the third respondent, the second respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his 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

30.11.2016
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