

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39760 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering FIR No.63 of 2016 for the offence punishable under Section 306 r/w.34 IPC, as illegal and arbitrary.

Heard and perused the material available on record.

The allegation against the petitioner is that he along with the other accused, abused the wife of the de facto complainant alleging that she had illegal intimacy with A2, and because of her, there are disputes between A1 and A2 who are wife and husband; and felt insulted for the same, the wife of the de facto complainant committed suicide by consuming insecticide poison.

The grievance of the petitioner is that he is the paternal uncle of A1 and he conducted panchayat with regard to the disputes between the de facto complainant's family and A1's family and as he is the paternal uncle of A1, he was falsely implicated in the case.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and others, and the respondents are investigating into the matter in accordance with law.

The petitioner filed the present writ petition challenging investigation on the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of

the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his appearance before the investigating officer as and when required, for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 17, 2016.
KTL

RAJA ELANGO, J



