

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:35032 OF 2016

ORDER:

1. The present writ petition is filed by the petitioners seeking to declare the action of the 4th respondent in registering FIR No.276 of 2016 for the offence under Section 3(1)(5) of SCs & STs (POA) Amendment Act, 2015 against the petitioners, and in proceeding with the investigation, as illegal and arbitrary, and consequently, to quash the FIR No.276 of 2016.

2. It is stated in the affidavit that the 5th respondent filed a complaint in the above crime against the petitioners stating that the 1st petitioner borrowed Rs.13 lakhs from him and promised to repay the same by February, 2015. But he did not repay the same. In spite of several demands, the 1st petitioner called the 5th respondent to his house, threatened him and abused him in the name of his caste. It is stated that the 5th respondent made omnibus allegations against the petitioners and that the 1st petitioner lodged a complaint against the 5th respondent before the 2nd respondent stating that he paid the entire amount with interest and that the 5th respondent having dissatisfied with the interest lodged a false complaint. But no action was taken.

3. Heard and perused the material available on record.

4. The main grievance of the petitioners is that the 1st petitioner paid the entire amount with interest to the 5th respondent and the 5th respondent having dissatisfied with the interest paid by the 1st petitioner lodged a false complaint and that the allegations in the complaint are false.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits,

respondents No.1 to 4 are directed to complete the investigation and file a report, in accordance with law in either way, without arresting the petitioners.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 18th October, 2016
Nn.



HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:35032 OF 2016



18/10/2016

Nn.

S