

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40653 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in registering F.I.R.No.180 of 2016 for the offences under Sections 448, 427, 506 read with 34 IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the complaint is lodged without any valid grounds and that the same is lodged only to harass the petitioners. He further submits that the complaint does not disclose any of the ingredients of the offences alleged against them. He further submits that as per the complaint, the alleged occurrence took place on 14.08.2016, but the complaint is lodged on 15.09.2016 with an inordinate delay of one month and that the delay is not explained properly and as such, he seeks to quash the case against the petitioners.

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 there is an inordinate delay of one month in lodging the complaint and as the offences are punishable less than seven years, 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

23.11.2016
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