

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.43036 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of the respondents in implicating the petitioners in false case in crime No.145 of 2016 on the file of the 3rd respondent and threatening to arrest the petitioners without following procedure, as illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home and perused the material available on record.

The learned counsel for petitioners submits that the 4th respondent herein lodged a false complaint in crime No.145 of 2016 on the file of the third respondent alleging that petitioners have trespassed into her land and tried to outrage her modesty. In fact, petitioners never interfered or entered into the land sold to the 4th respondent. The 4th respondent herein, who is the 5th defendant in the suit, is contesting the suit by filing her written statement and the suit is pending trial. At this stage, when the suit is pending trial, the question of petitioners entering into the property or threatening her or outraging modesty does not arise. The 4th respondent with a *mala fide*

intention to force petitioners to settle her claim in suit foisted a false case against the petitioners.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners, this Court is not inclined to interfere with the proceedings against the petitioners.

However, in view of the submissions of the learned counsel for the petitioners and as the matter is arising out of a civil dispute, this Court directs the Police concerned to complete the investigation without arresting the petitioners and file the final report in accordance with law. The petitioners are also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, in the writ petition shall stand closed.

JUSTICE RAJA ELANGO

09th December, 2016
skmr