

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42636 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* by declaring the inaction of respondents 1 to 4 on the complaint dated 08-05-2015 against the respondent Nos.5 to 8 in registering the same and conducting investigation and taking necessary action under the law is illegal and arbitrary and consequently direct the respondent authorities i.e., respondents 1 to 3 to register the complaint under Sections 441, 503, 445, 295, 351, 463, 420 and 120-B of I.P.C. and take necessary action on the complaint as per law.

When the matter is posted for hearing it is informed by the learned Assistant Government Pleader for Home that on the basis of the said complaint, a case was registered in crime No.238 of 2015 for the offences under Sections 447, 457 and 506 read with Section 34 I.P.C. and subsequently the same was closed as false.

The learned counsel for the petitioner submitted that if the same is investigated and final report is filed, necessarily a copy should have been given to the petitioner, but the petitioner has not received any such report from the respondents herein. It is further informed that petitioner is always under threat from the unofficial respondents and prayed this Court that whenever a petition is lodged by the petitioner, necessary protection to be given to the petitioner herein.

Considering the rival contentions of the petitioner and respondents herein, the Writ Petition is disposed of with the following directions :

(i) The concerned officer is directed to issue notice to the petitioner in connection with closing of a case as false and on such information, the petitioner is at liberty to file a protest petition; and

(ii) When the petitioner lodges any petition seeking for police protection, it is always left open to respondents herein, more particularly 2nd and 3rd respondents to take appropriate action on the basis of the facts and circumstances narrated in the said petition.

There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

22nd December, 2016

skmr

JUSTICE RAJA ELANGO

