

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41783 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the third respondent in registering the crime being F.I.R.No.62 of 2016 for the offences under Sections 379, 323, 506 IPC read with Section 49 IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the fourth respondent, who lodged the complaint against the petitioners, is the son-in-law of the first petitioner. He submits that there are family disputes between the petitioners and the fourth respondent and that the fourth respondent is facing a case for the offence under Section 498-A IPC and as a counter to the same, the present complaint is filed with all false allegations that the petitioners have committed theft of articles. Hence, he prays this Court to quash the case against the petitioners.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that there are family disputes between the petitioners and the fourth respondent, the third 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 third 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

01.12.2016
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