

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40441 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of 2nd respondent in registering the FIR No.91 of 2016, dated 24.07.2016, as illegal and arbitrary and consequently set aside the same.

Heard and perused the material available on record.

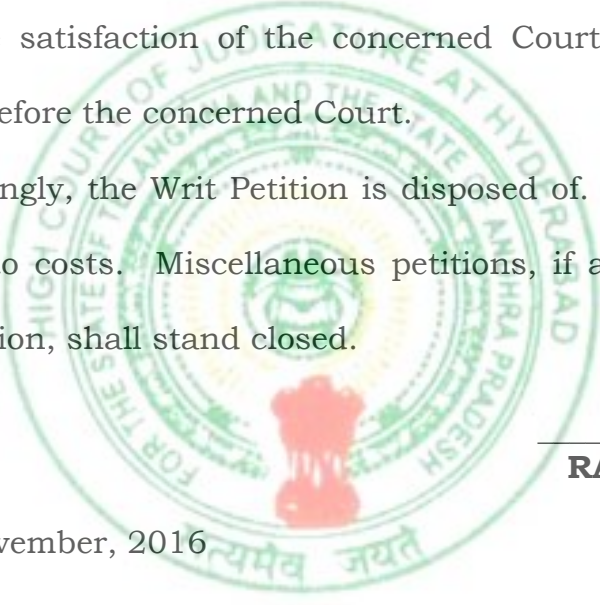
The case of the petitioner is that the 3rd respondent lodged the present complaint against the petitioner on 24.07.2016 alleging that on 09.07.2016, the 3rd respondent along with her daughter went to attend their fields and after completing the work, they were returning home and on the way, the petitioner obstructed them and misbehaved with her and tried to outrage her modesty and abused her vulgarly raising her caste, hurling threats for death in case his request is not considered. Basing on the said complaint, the 2nd respondent registered the same as Crime No.91 of 2016, dated 24.07.2016, for the offences under Section 354 IPC and Section 3(r)(w)(i)(ii) of the SCs & STs (POA) Act, 1989. The main grievance of the petitioner is that there is no *prima facie* case made out to connect the petitioner into the said false case and therefore, continuation of proceedings against the petitioner is an abuse of process of law and hence, liable to be quashed.

Admittedly, the occurrence took place on 09.07.2016, but the 3rd respondent lodged the complaint on 24.07.2016. There is an inordinate delay in lodging the complaint. The said delay is also not explained properly by the 3rd respondent. Mere delay is not fatal to the case of the prosecution, but at the same time, when

the allegations are so serious in nature, that too the allegations of outraging the modesty of a woman in the public place, the delay in lodging the complaint gains more importance.

Having regard to the same, the 2nd respondent is directed to complete the investigation in FIR No.91 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. In case, if any charge sheet is filed and summons are received by the petitioner, he shall appear before the Court concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety to the satisfaction of the concerned Court for his future appearance before the concerned Court.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.



RAJA ELANGO,J

Date: 30th November, 2016

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