

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37679 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to call for the records pertaining to FIR No.939 of 2016 on the file of the 3rd respondent, and quash the same.

Heard and perused the material available on record.

The 5th respondent lodged a complaint before the 4th respondent stating that the 1st petitioner mislead his wife as he is a devotee of Vikthu baba and on his influence, she frequently used to go to the house of the 1st petitioner and used to offer prayers and on hearing the words of 1st petitioner she left the company of the 6th respondent and went to her parents' house and coming to the house of 1st petitioner for performing puja. On 15.10.2016, since she came to the house of the 1st petitioner, the 6th respondent and his family members went to the house of 1st petitioner and enquired about his wife, but the petitioners kept her inside the bathroom, and attacked him and threatened him to kill.

The petitioners filed this writ petition challenging the investigation in the above crime. The grievance of the petitioners is that initially, the daughter-in-law of the 1st petitioner lodged a complaint against the 6th respondent and his associates since they came to their house and beat the petitioners on the ground that the 1st petitioner made his wife to live separately from him under the guise of pujas, and the same was registered as FIR No.365 of 2016 on the on the file of 4th respondent and as a counter blast, the present case is registered against the petitioners.

This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case and the case and counter cases, this Court is of the view that the investigation can be completed without arresting the petitioners.

Accordingly, respondents Nos.2 to 4 are directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned as and when required, and cooperate with the investigation.

With the above direction, 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.

November 03, 2016
KTL

RAJA ELANGO, J

