

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37849 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering FIR No.237 of 2016 against the petitioner for the offences under Sections 420 and 406 IPC, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The petitioner is a Fair Price Shop Dealer. The allegation against the petitioner is that she indulged in clandestine business by diverting essential commodities which are meant for consumption of card holders of the concern ration shop.

Learned counsel for the petitioner submits that the 4th respondent inspected the shop of the petitioner when the petitioner was not present in the shop and the entire stock is available in the shop and further, the 4th respondent without issuing any notice show cause, straightaway gave complaint to the 3rd respondent, and the 3rd respondent without conducting any enquiry, registered the above crime.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and the respondents are investigating into the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the respondents 2 and 3 are directed to complete the investigation in the above crime, and file a final report, in accordance with law in either

way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned as and when required and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 04, 2016.
KTL

