

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38007 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed questioning the action of 3rd respondent in registering a case against the petitioner in Crime No.88 of 2016 as arbitrary and illegal and consequently, to quash the same.

The case of the petitioner is that he is a Government teacher and on 21.10.2016 on the complaint lodged by the colleague teacher-4th respondent herein alleging that he had sexual intercourse with her on 27.09.2016 under threat, the 3rd respondent registered a case in Crime No.88 of 2016 for the offence punishable under Section 376 IPC. It is alleged that the 3rd respondent without causing any enquiry, based on the false complaint is trying to arrest the petitioner.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 4th respondent, the 3rd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate for the investigation, but, however, he is apprehending arrest and harassment in the hands of 3rd respondent-police.

Considering the facts and circumstances of the case and since there is inordinate delay in lodging the complaint and that the victim was also examined by the police and medical examination is also over, the 3rd respondent is directed to complete the investigation in Crime No.88 of 2016 without arresting the petitioner and file a final report, if any, in

accordance with law. The petitioner is directed to appear before the 3rd respondent-police and execute a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

08.12.2016.
Tsr

RAJA ELANGO,J



