

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45783 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare registration of FIR in Crime No.227 of 2016 on the file of the 2nd respondent, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The case in brief is that the petitioners along with another beat the de facto complainant and her daughter with hands and legs and outraged her modesty, due to some property disputes between them.

Learned counsel for the petitioners submitted that the petitioners and the de facto complainant are close relatives and that petitioners are innocent of the offences alleged against them and that in fact, the de facto complaint and her husband beat the petitioners, for which the petitioners also lodged a complaint against the de facto complainant, which was registered as Crime No.228 of 2016.

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

The petitioner filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, and the grievance of the petitioners, this

Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer as and when required for the purpose of investigation.

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

December 27, 2016.
KTL

RAJA ELANGO, J



