

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39291 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the fourth respondent in registering crime No.318 of 2016 for the offences under Sections 420 and 406 without there being any offence committed by the petitioner as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint is lodged without any valid grounds and that the same is lodged only to harass the petitioner and as such, he prays this Court to quash the same.

The case is registered on the basis of the reference made under Section 156(3) of the Code of Criminal Procedure. The learned Magistrate has not followed the procedure as per the directions of the Hon'ble apex Court, while referring the case under Section 156(3) CrPC.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that the case is referred under Section 156(3) of the CrPC., the fourth respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the fourth respondent and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum for his future appearance for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

15.11.2016
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