

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44707 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of 2nd respondent in registering the Crime No.227 of 2016 basing on the false complaint given by 3rd respondent as illegal and arbitrary and consequently, to set aside the same.

The case of the petitioners is that on the complaint given by 3rd respondent alleging that the petitioners insulted her in the name of her caste, the 2nd respondent registered a case in Crime No.227 of 2016 on 15.12.2016 for the offence punishable under Section 324 IPC and Section 3(1)(r),(s) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. It is the case of the petitioners that they are implicated falsely and without verifying the genuineness of the complaint, the 2nd respondent is proceeding with the investigation.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate for the investigation, but, however, they are apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the fact that the petitioners are ladies, the 2nd respondent is directed to complete the investigation in Crime No.227 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners are directed to appear before the

2nd respondent-police and each of them shall execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for their future appearance for the purpose of investigation.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

21.12.2016.
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