

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46522 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of certiorari to call for the records in F.I.R. No.729 of 2016 on the file of 2nd respondent and to quash the same as arbitrary and illegal.

The case of the petitioners is that on the complaint given by 3rd respondent alleging that the petitioners have assaulted, threatened and abused in foul language, the 2nd respondent registered a case against the petitioners in F.I.R. No.729 of 2016 for the offences punishable under Sections 323, 504 & 506 IPC. Now, it is the grievance of the petitioners that they are implicated falsely due to the rivalry with the 3rd respondent regarding civil disputes and that they have not committed the offence as alleged in the complaint.

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 facts and circumstances of the case and since all the offences levelled against the petitioners are punishable with imprisonment less than seven years, the 2nd respondent is directed to complete the investigation in F.I.R. No.729 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 as and when required during the course of investigation.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

30.12.2016.
Tsr

RAJA ELANGO,J



