

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41638 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in registering the case being crime No.137 of 2016 registered for the offences under Sections 427, 457, 380 IPC read with Section 34 IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present crime and that he has not committed any of the offences as alleged against him. He further submits that as per the complaint itself, the occurrence allegedly took place on 01.08.2016, whereas the complaint is lodged on 16.11.2016 with an inordinate delay of 75 days, which is not properly explained. He further submits that there are civil disputes between the petitioner and the third respondent, and as such, the third respondent has lodged the complaint with all false allegations. Hence, he prays this Court to quash the same.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the fact that there is an inordinate delay in lodging the complaint and also as there are civil disputes between the petitioner and the third respondent, the second 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 second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance as and when required 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

30.11.2016
pln

