

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39735 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of 2nd respondent in registering Crime No.181 of 2016 against the petitioner as arbitrary and illegal and consequently, to quash the same.

The case of the petitioner is that on the complaint given by 3rd respondent alleging certain irregularities and embezzlement of municipal funds by way of preparation of bogus bills and drawl of municipal funds without execution of the work, the 2nd respondent registered a case in Crime No.181 of 2016 for the offences punishable under Sections 409, 406, 420 r/w 34 IPC against the petitioner and others. It is the case of the petitioner that he is arrayed as A.3 in the crime and there are no specific allegations as against him and that he is implicated falsely.

The learned Additional 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 petitioner submits that the petitioner is ready to cooperate with the investigation, but, however, he is apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in Crime No.181 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2nd

respondent-police and shall execute a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

08.12.2016.
Tsr

RAJA ELANGO,J



