

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42232 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in Crime No.217 of 2016 on the file of the 2nd respondent.
2. Heard and perused the material available on record.
3. As the private complaint filed by the 3rd respondent was referred to the police, the above crime was registered for the offence under Sections 120B, 379, 420, 447, 457 and 506 IPC. It is alleged that the petitioners fabricated documents in respect of the property of the complainant and grabbed the same. It is the case of the petitioners that they are the absolute owners of the subject property and that the complainant has already filed a civil suit and that the allegations are purely civil in nature.
4. The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation in the above crime. However, considering the fact that the present complaint has arisen out of civil disputes, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the Station House Officer concerned as and when required and they are also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety each for the like sum each to the satisfaction of the Station House Officer concerned, as surety for their future appearance as and when required.

5. With the above direction, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 5th December, 2016
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