

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44685 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of the 2nd respondent in registering F.I.R. No.239 of 2015 against the petitioners as arbitrary and illegal.

On the private complaint given by 3rd respondent and on reference by the Magistrate under Section 156(3) Cr.P.C., the 2nd respondent herein registered a case in F.I.R.No.239 of 2015 against the petitioners for the offences punishable under Sections 405, 420 r/w 34 IPC. The grievance of the petitioners is that all the allegations levelled by the 3rd respondent are false and the 2nd respondent without ascertaining the same, registered the F.I.R. and 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 with 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, the 2nd respondent is directed to complete the investigation in F.I.R. No.239 of 2015 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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