

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45689 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare registration of FIR No.430 of 2016 before the 2nd respondent police station, as illegal and arbitrary and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 406, 420, 477-A and 323 r/ w.506-II IPC. The de facto complainant made a private complaint against the petitioners alleging that he made a requisition with the petitioners for modular kitchen work in his residence and paid an amount of Rs.3,00,000/- as advance, but after receipt of said amount, the petitioners did not complete the work and when the de facto complaint asked for the same, they threatened him with dire consequences.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and they have completed the work as per the requisition of the de facto complainant, but the de facto complainant paid only 75 % of the agreed amount and with a view to avoid the balance payment, he filed the above private complaint with all false allegations, which was referred to the police by invoking provisions under Section 156(3) Cr.P.C., without following due process.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the

petitioners, and the police concerned are investigating into the matter in accordance with law.

The petitioners filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, and the grievance of the petitioners, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 27, 2016.
KTL

