

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40430 of 2016

ORDER:

The present writ petition is filed seeking to declare the action of the 2nd respondent in threatening the petitioner to appear before the police station in connection with FIR No.202 of 2016, as illegal and arbitrary, and consequently, set aside the above crime.

The allegation against the petitioner is that he along with other accused agreed to sell his plot to the de facto complainant and after receiving the sale consideration, he handed over possession of the plot and the de facto complainant also erected boundary stones and subsequently, when the de facto complainant went to the plot, the boundary stones are dismantled by the neighbouring plot owners and they sated there is no such plot, which was sold to the de facto complainant.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner never cheated the de facto complainant, in fact, there is civil disputes between the accused Nos.2 and 3 and that the petitioner here is no way concerned with the alleged offences, the private complaint filed by the de facto complainant was referred to the police without following due process of law.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and others, and the respondents are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging the 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 facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his 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

November 23, 2016.
KTL

