

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41758 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the third respondent in registering F.I.R.No.106 of 2016 for the offences under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint is lodged without any valid grounds and that the same is lodged only to harass the petitioner. He further submits that as per the complaint, the alleged occurrence took place on 12.10.2016, but the complaint is lodged on 25.10.2016 with an inordinate delay of 13 days and that the delay is not explained properly and as such, he seeks to quash the case against the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that there is an inordinate delay of thirteen days in lodging the complaint, the third respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the third respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

01.12.2016
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