

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44751 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 Crime No.474 of 2016 against the petitioner 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 Crime No.474 of 2016 against the petitioner and others for the offences punishable under Sections 406, 420, 506 r/w 34 IPC. The grievance of the petitioner 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 petitioner submits that the petitioner is ready to cooperate with the investigation, but, however, he is 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 Crime No.474 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2nd respondent-police and shall 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 for the purpose of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

21.12.2016.
Tsr

RAJA ELANGO,J



