

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45055 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of certiorari to call for the records in F.I.R. No.404 of 2016 on the file of 3rd respondent and to quash the same as arbitrary and illegal.

The case of the petitioners is that on the complaint given by 2nd respondent alleging criminal trespass, damaging the compound wall and threatening him with dire consequences, the 3rd respondent registered a case against the petitioners in F.I.R. No.404 of 2016 for the offences punishable under Sections 447, 427 and 506 IPC. Now, it is the grievance of the petitioners that they are implicated falsely due to the rivalry with the 2nd respondent and that they have not committed the offence as alleged in the complaint.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 2nd respondent, the 3rd 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 for the investigation, but, however, they are apprehending arrest and harassment in the hands of 3rd respondent-police.

Considering the facts and circumstances of the case and since all the offences levelled against the petitioners are punishable with imprisonment less than seven years, the 3rd respondent is directed to complete the investigation in F.I.R. No.404 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The

petitioners are directed to appear before the 3rd respondent-police as and when required during the course of investigation.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

23.12.2016.
Tsr

RAJA ELANGO,J



