

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33828 OF 2015

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the registration of F.I.R.No.235 of 2015 by the first respondent and subsequent investigation sought to be conducted by the first respondent as illegal and arbitrary, and consequently, to set aside the same and direct the respondents 1 to 3 not to harass the petitioners under the guise of the alleged complaint made by the second respondent.

Heard and perused the material.

Learned counsel for the petitioners submits that though the petitioners got anticipatory bail from this Court, there is apprehension of harassment of petitioners by the first respondent under the guise of investigation. He further submits that the first respondent is calling the petitioners to the police station and also compelling them to produce the documents for the purpose of investigation.

This Court is of the view that when there is an order of anticipatory bail, the first respondent has the power to investigate the matter and has the power to call the petitioners for the purpose of investigation. But, at the same time, the first respondent shall not harass the petitioners in the name of investigation and further, the petitioners cannot be compelled to produce any document or any incriminating material to the investigating agency. Whenever there is any need of document or assistance by the petitioners during the course of investigation, the first respondent is directed to communicate the same by way of a letter and on receipt of such letter, the petitioners are directed to give a reply according to the available materials with the petitioners herein. The first respondent is directed to complete the investigation without harassing the petitioners and file final report, if any, in accordance with law.

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

JUSTICE RAJA ELANGO

22.11.2016
pln

