

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36125 of 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the third respondent in registering F.I.R.No.437 of 2016 for the offences under Sections 290, 506 read with 34 IPC and 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 petitioners submits that the third respondent registered the crime against the petitioners herein on the basis of the false complaint given by the fourth respondent, at the instance of fifth respondent, and that the complaint does not disclose the offences as stated above. Hence, he prays this Court to quash F.I.R.No.437 of 2016 on the file of the third respondent.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the facts and circumstances of the case, the third respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are also directed to appear before the third respondent as and when required.

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

JUSTICE RAJA ELANGO

26.10.2016
pln