

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.46384 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the crime No.240 of 2016 on the file of the 3rd respondent, as illegal and arbitrary and consequently quash the same.

Heard and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against petitioners are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioners.

However, admittedly, the F.I.R. in this case was registered on the basis of reference made under Section 156(3) Cr.P.C. by the learned Magistrate, but the learned Magistrate has not followed the procedures in forwarding the complaint for registration of the same. Further, this case is arising out of civil dispute.

Therefore, the police concerned are directed to complete the investigation without arresting the petitioners and file the final report in accordance with law. The petitioners are directed to appear before the Investigating Agency as and when their presence is required, and cooperate with the Investigating Agency.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

30th December, 2016

skmr

