

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37920 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondents 1 to 3 in registration of the crime in F.I.R.No.177 of 2016, dated 12-09-2016 by the 3rd respondent as being illegal and arbitrary and consequently quash the F.I.R. No.177 of 2016, dated 12-09-2016 pending before the 3rd respondent Police Station.

2. Heard and perused the material available on record.
3. The learned counsel for petitioners submits that the whole issue is politically motivated and just because petitioners are supporters of opposite party, this false complaint was lodged. The allegations are false and baseless against petitioners herein. The complaint is lodged making the allegations which on the face of it do not constitute any offence to take up the criminal investigation, much less an offence under Section 307 read with Section 34 I.P.C., which is an afterthought. The 2nd respondent was treated as outpatient and not even admitted for a single day, therefore applicability of Section 307 I.P.C. does not arise.
4. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against

petitioners and respondent No.3 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting petitioners. However, the petitioners shall appear before the investigating officer daily between 10.00 AM and 2.00 PM for a period of fifteen days and also execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with one surety for a like sum each to the satisfaction of the S.H.O. concerned for their future appearance as and when required by the investigating agency for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

11.11.2016

skmr