

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38663 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the F.I.R.No.44 of 2015 on the file of the second respondent against the petitioners as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present crime for the offence under Section 409 IPC, and that the petitioners have not committed any offence. Hence, the learned counsel prays this Court to quash the proceedings against the petitioners herein.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners. However, taking into consideration the fact that the dispute is arising out of storage of Bengal Gram in the petitioners' cold storage, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance for the purpose of investigation.

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

JUSTICE RAJA ELANGO

10.11.2016
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