

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40036 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in registering the Crime No.94 of 2016, dated 29.09.2016, as illegal and arbitrary.

The grievance of the petitioners is that the 3rd respondent has lodged the present complaint against the petitioners alleging that on 29.09.2016 at about 11.00 a.m., when the 3rd respondent went to meet the Village Revenue Officer, the petitioners came to that place and wrongfully restrained the 3rd respondent and beat him with hands and legs and also threatened and warned him.

Learned counsel for the petitioners submitted that the brother of the petitioners made a complaint against the 3rd respondent on 27.09.2016 and since the 2nd respondent is not registering the same, the brother of the petitioners filed W.P.No.35352 of 2016, whereby this Court disposed of the same vide order, dated 20.10.2016, and on receipt of the said order, the 2nd respondent registered the same as Crime No.103 of 2016, dated 01.11.2016, against the 3rd respondent, but no action was taken on the 3rd respondent. But when the 3rd respondent made a complaint on 29.09.2016, the 2nd respondent registered the said complaint on the same day as Crime No.94 of 2016, which is illegal and arbitrary.

Considering the grievance of the petitioners and the submissions of the learned counsel for the petitioners and since the 1st petitioner is physically handicapped and as there are no serious allegations against the 2nd petitioner in the present complaint, the 2nd respondent is directed to complete the investigation in Crime No.94 of 2016 as expeditiously as

possible and file a final report, if any, either way in accordance with law, without arresting the petitioners.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 21st November, 2016

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