

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39250 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the first respondent in registering crime No.221 of 2016 for the offence under Section 306 IPC even though the contents of the complaint do not disclose the commission of abetment, as illegal and arbitrary, and consequently to delete the petitioner as accused in the said crime.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint is lodged without any valid grounds and that the complaint does not disclose the commission of the offence under Section 306 IPC and hence, he prays this Court to delete the name of the petitioner in the case.

Considering the facts and circumstances of the case, this Court is not inclined to delete the name of the petitioner from F.I.R.No.221 of 2016. However, taking into consideration the fact that there are financial disputes between the petitioner and the husband of the third respondent, the first respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the first respondent and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum for his 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

15.11.2016
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