

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38122 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.620 of 2016 for the offences under Sections 406, 420 read with 34 IPC by implication of the petitioner as accused No.2 even though the contents of the complaint do not make any offence as arbitrary and illegal, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint does not disclose any offence committed by the petitioner and that the petitioner has been falsely implicated in the present case. He further submits that it is a civil dispute between the petitioner, being the employee of the complainant and the complainant, being the owner of Tabala Pride Hotel. Hence, he seeks a direction to the first respondent to quash the case against the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner. However, taking into consideration the fact that the case is arising out of dispute between the owner and the employee, 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

14.11.2016
pln