

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43685 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records relating to FIR No.114 of 2014 pending on the file of the 2nd respondent Police Station, and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 120-B, 467, 420 r/w.34 IPC. The case in brief is that the de facto complainant – 3rd respondent lodged a private complaint alleging that all the petitioners conspired together and created forged documents with regard to the properties belonging to the Rev. John New Com Memorial Baptist Association, and created forged sale deeds in favour of the 4th petitioner.

Learned counsel for the petitioners submitted that the 3rd respondent filed a private complaint before the Magistrate, which was referred to the police for investigation, without following due process of law and that the petitioners are the purchasers of the subject properties and that without lodging the complaint against the main accused, the 3rd respondent lodged the present complaint against the purchasers of the said properties.

Considering the circumstances of the case, without going into the merits of the case, this Court is inclined to pass the following order:

The 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear

before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 16, 2016.
KTL

