

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38669 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the F.I.R.No.41 of 2015 on the file of the second respondent against the petitioner as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

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

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 dispute is arising out of storage of Bengal Gram in the petitioner's cold storage, the second 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 second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five 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

10.11.2016
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