

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42428 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* declaring the action of the 2nd respondent in registering the F.I.R.No.125 of 2016 against the petitioners for the offences punishable under Sections 447, 323 read with Section 34 I.P.C. read with Section 3(1)(x) and 3(1)(i)(r)(s) of the S.C. & S.T. (PoA) Act, as illegal and arbitrary and quash the same with a consequential direction to the 2nd respondent not to proceed with the investigation of the case any further.

The learned counsel for the petitioners submitted that the complaint does not fulfil the ingredients of offences alleged in the F.I.R. and there are no direct or indirect overt acts or allegations levelled against petitioners. A perusal of the complaint indicates that there is no intentional insult or intimidation with an intent to humiliate the complainant and therefore, it does not amount to offence alleged. Further, the ingredients of criminal trespass are not fulfilled as required under Section 441 I.P.C. It is further submitted that there is already a civil dispute pending between the parties.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners, this Court is not inclined to interfere with the proceedings against petitioners. However, in view of the submission of the learned counsel for the petitioners and as it is a civil dispute, this Court directs the Police concerned to complete the

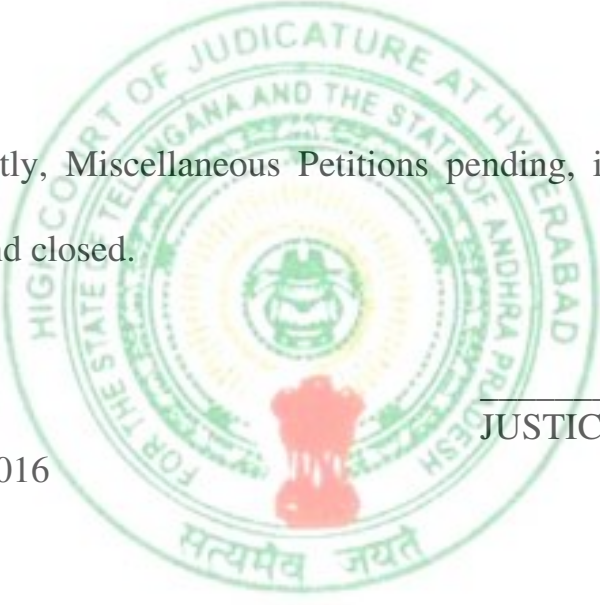
investigation without arresting the petitioners and file the final report in accordance with law. The petitioners are also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation. In case, the charge sheet is filed before the Court concerned, and summons are received by the petitioners, they shall appear before the Court concerned and execute a 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.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

06th December, 2016

skmr



JUSTICE RAJA ELANGO