

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38590 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering FIR No.238 of 2016 against him, for the offence under Section 307 IPC, as illegal and arbitrary.

Heard and perused the material available on record.

The 4th respondent lodged a complaint against the petitioner and others alleging that they attacked his brother with iron rod and attempted to kill him due to a petty quarrel between the brother of the 4th respondent and the friend of the petitioner.

Learned counsel for the petitioner submitted that the petitioner never committed the offence alleged against him and the contents in the complaint does not disclose any specific overt acts against him and that he is a student aged about 17 years, and he was falsely implicated in the case and due to pendency of the case, the police are trying to arrest him and if he is arrested, he will be put to irreparable loss.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and others, and that the respondents are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation, considering the facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the

case, the respondents 2 and 3 are directed to complete the investigation in the above crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned on or before 30.11.2016, and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance for the purpose of investigation.

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

November 09, 2016
KTL

RAJA ELANGO, J



