

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44697 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of certiorari calling for the records pertaining to F.I.R No.909 of 2016 registered on the file of the second respondent for the offence under Section 304-B IPC and declare the same as illegal and arbitrary and consequently to quash the F.I.R., insofar as the petitioners/A.2 to A.5 are concerned.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners are in-laws of the deceased and that A.1 is already arrested and is in judicial custody. He further submits that except the allegation that the petitioners encouraged A.1 for commission of offence, no serious allegations are made against the petitioners herein and that no other allegations are unearthed by the investigation agency also. Hence, he prays this Court to quash the proceedings against the petitioners herein.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners at the threshold. However, taking into consideration the fact that the case is arising out of family disputes, the second respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance as and when required 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

28.12.2016

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