

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41800 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the third respondent in registering the crime being F.I.R.No.122 of 2016 for the offences under Sections 354, 324, 323, 448, 506 read with Section 34 IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint does not disclose the offence under Section 354 IPC. He further submits that the petitioner has not committed any offence and he has been falsely implicated in the present case.

As rightly submitted by the learned counsel for the petitioner, a reading of the complaint does not disclose the offence under Section 354 IPC. Admittedly, the entire occurrence arises out of a sudden quarrel over the leakage of water towards the house of the complainant herein.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that there are no previous cases against the petitioner, the third 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 third 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 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

01.12.2016
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