

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39368 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the third respondent in registering F.I.R. No.51 of 2015 for the offences under Section 363 IPC read with 34 IPC, which is subsequently altered to Sections 376, 363 IPC, Section 5(2) read with 6 of the Protection of Children from Sexual Offences Act, and Sections 4 and 5 of the Child Marriage Restraint Act, as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the first petitioner has already married the daughter of the fourth respondent and that they are leading happy marital life and they gave birth to a child. He further submits that the petitioners have not committed any offences as alleged against them and they are law abiding citizens and they are ready to cooperate with the investigating agency.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that the crime pertains to 2015 and also as the third respondent has not taken any steps to secure the petitioners, the third 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 third respondent and execute a personal bond for a sum of Rs.10,000/- (Rupees ten 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

15.11.2016
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