

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36459 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India with a prayer to declare the action of the 3rd respondent to in registering Crime No.42 of 2016 against the petitioner on the basis of the complaint made by the 4th respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioner, along with others accused, is alleged to have abused the de facto complainant – 4th respondent and others in the name of their caste and threatened them with dire consequences, when they asked for the payment for the work done by them.

The case of the petitioner is that since the 4th respondent and others have taken away the lorry belonging to A4 in the above crime, who is brother of the petitioner, they lodged a complaint against the 4th respondent and others and as a counter blast to the said crime, the present crime is registered.

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

Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and

circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondents Nos.2 and 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is 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 petitioner, he shall appear before the Court concerned and execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance.

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

October 28, 2016.
KTL

RAJA ELANGO, J



