

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39047 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 crime No.68 of 2016 for the offences under Section 379 IPC (theft of sand) and Section 3 of the Prevention of Damage to Public Property Act (PDPP Act), as illegal and arbitrary, and consequently to set aside the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioner has not committed any offence and he has been falsely implicated in the present crime. He further submits that the petitioner is ready to cooperate with the investigation agency.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the facts and circumstances of the case, 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.10,000/- (Rupees ten thousand only) with one surety for the likesum for his future appearance 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

14.11.2016
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