

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40750 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in registering the crime being F.I.R.No.105 of 2016 basing on the false complaint given by the third respondent as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present crime for the offences under Sections 341, 384 and 506 IPC read with Section 34 IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and that the petitioners have not committed any offence. Hence, the learned counsel 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. However, taking into consideration the fact that the petitioners are also belonging to the Scheduled Caste and that they have produced to the Certificate to that extent and also as the entire occurrence arises out of an accident, in which the vehicle of the petitioners got damaged, 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 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

24.11.2016
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