

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37302 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of 2nd respondent in trying to arrest the petitioner in connection with Crime No.219 of 2016 without following the due process of law as illegal and arbitrary.

The case of the petitioner is that on the complaint given by the 3rd respondent, the 2nd respondent registered a case in Crime No.219 of 2016 for the offences punishable under Sections 354, 323, 506(2), 109 r/w 34 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w)(i) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is the case of the petitioner that he has done his official duty and that the 3rd respondent made allegations with *mala fide* intention at the instance of one Ravi Kumar to wreck vengeance against the petitioner.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate for the investigation, but, however, he is apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in Crime No.219 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2nd

respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

08.12.2016.
Tsr

RAJA ELANGO,J



