

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37191 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in PRC No.15 of 2016 on the file of the Judicial First Class Magistrate, Palakol.
2. Heard and perused the material available on record.
3. The main grievance of the petitioners is that on the protest petition filed by the 4th respondent, the learned Magistrate, after examining the witnesses, took cognizance of the case against the petitioners and issued NBWs against them instead of issuing summons to them.
4. Considering the circumstances of the case, this Court is not inclined to quash the proceedings in the above P.R.C. However, taking into consideration the grievance of the petitioners, without expressing any opinion on merits, the Writ Petition is disposed of with the following direction:

“Non-bailable warrants issued against the petitioners by the learned Judicial First Class Magistrate, Palakol, are recalled. The petitioners are directed to appear before the learned Magistrate and execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety each for the like sum each to the satisfaction of the learned Magistrate as surety for their future appearance.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 1st November, 2016
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