

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35996 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 not obtaining medical certificate of the 4th respondent before proceeding with the investigation against the petitioner in Crime No.267 of 2016, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the 4th respondent made a complaint before the 3rd respondent stating that when she went to the petitioner's hospital complaining of fever, cold, leg pains etc., along with her two friends, under the pretext of examining her, the petitioner took her behind the screen and touched her private parts.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him, and as per the complaint also, the alleged incident took place on 15.07.2016 and the complaint was lodged on 12.08.2016 and that there is delay in lodging the complaint and that the parents of the 4th respondent informed that the 4th respondent is suffering with psychotic disorder and that without obtaining the medical certificate of the 4th respondent, the 3rd respondent is proceeding with the investigation and trying to arrest the petitioner.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners 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.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

October 28, 2016.
KTL

