

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42665 OF 2016

ORDER:

The present writ petition is filed seeking to declare the action of the respondents in registering FIR No.424 of 2016 on the file of 3rd respondent Police Station, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The 4th respondent lodged a private complaint against the petitioners alleging that the 1st petitioner offered to sell his plot of an extent of 210 square yards to the 4th respondent and after receiving advance of Rs.4.00 lakhs, he postponed to register the plot in favour of the 4th respondent, and when the de facto complainant went along with the 1st petitioner to verify the plot, some third party persons obstructed them and questioned the 1st petitioner about his right over the said plot, and then the 4th respondent came to know that the plot does not belong to the 1st petitioner. Therefore, the 4th respondent asked for refund of his amount, for which the petitioners abused him and threatened to kill him.

Learned counsel for the petitioners submitted that the petitioners are no way concerned with the offences alleged against them and that the 4th respondent filed a private complaint with all false allegations and the same was referred to the police under Section 156 (3) Cr.P.C., without following the procedure.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complainant, the above case was

registered against the petitioners and that the respondent police are investigating into the matter.

The petitioners filed the present writ petition challenging investigation in the above crime. This Court is not inclined to interfere with the investigation. However, considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is of the view that the above case can be investigated into, without arresting the petitioners.

Accordingly, the 3rd respondent is directed to complete the investigation in the above crime, and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned, and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each, for their future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 08, 2016
KTL

