

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38390 OF 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 4th respondent in registering Crime No.515 of 2016 on the basis of the complaint of the 5th respondent, as illegal and arbitrary and consequently, quash the same.

Heard and perused the material available on record.

The 5th respondent lodged a private complaint stating that it purchased food products from the petitioner vide invoice dated 19.09.2015, but subsequently, it came to know through the staff that the said stock is expired stock. Immediately, the same was informed to the petitioner and also sent a legal notice, but the petitioner abused the proprietor of the 5th respondent firm and threatened and said that he will not replace the expired stock.

Learned counsel for the petitioner submitted that the petitioner is no way concerned with the alleged offences and that the petitioner is a Sales Manager in the company and that the 5th respondent purchased the stock in the month of September 2015, and the petitioner joined in the company in the month of January 2016 and that he is no way concerned with the transactions of the 5th respondent with the company and with a view to harass the petitioner the 5th respondent filed the private complaint.

Learned Assistant Government Pleader submitted that on the basis of the complaint of the 5th respondent, the above crime is

registered against the petitioner and that the police concerned are investigating into the matter in accordance with law.

Considering the facts and circumstances of the case and also the submissions of the learned counsel for the petitioner, this Court is of the view that the investigation can be completed without arresting the petitioner.

Accordingly, the respondents 2 to 4 are directed to complete the investigation and file a final report, if any, in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance before the investigating agency as and when required for the purpose of investigation.

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

November 08, 2016.

KTL

RAJA ELANGO, J