

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36435 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 6th respondent to registering FIR No.321 of 2016 against the petitioner, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the 7th respondent made a complaint before the 6th respondent stating that the petitioner, who is her brother, forged her signatures on a joint declaration and letter containing no objection certificate and relinquishing her rights in favour of the petitioner and got transferred the dealership of a petrol pump to proprietary in favour of another partner of her late father.

Learned counsel for the petitioner submits that the petitioner is innocent of the offences alleged against him, and there are civil disputes between the petitioner and the 7th respondent and a civil suit is also pending, and with false allegations, the 7th respondent filed the present complaint and basing on the same, the police are trying to arrest the petitioner.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and another, 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 to 6 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.

October 28, 2016.
KTL



RAJA ELANGO, J

