

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43919 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering Crime No.462 of 2016 against the petitioner, as arbitrary and illegal.

2. Heard and perused the material available on record.

3. In the affidavit filed in support of the petition, it is stated that respondent No.2 lodged a false complaint against him; that as seen from the allegations made in the complaint, no case is made out against the petitioner; that basing on the confessional statement, the 2nd respondent is trying to arrest the petitioner; that he is only owner of the vehicle and he is no way concerned with alleged transportation of sand and that basing on registration of aforesaid crime, the respondent police are trying to arrest the petitioner without following due procedure.

4. Learned Assistant Government Pleader for Home submitted that on the basis of the complaint, a case was registered against the petitioner and respondent No.2 is investigating the matter in accordance with law.

5. Considering the facts and circumstances of the case, grievance of the petitioner and in view of the fact that the petitioner is ready to co-operate with the investigation, without expressing any opinion on merits, respondent No.2 is hereby directed to complete the investigation in the aforementioned crime and file a

final report, in accordance with law, in either way, without arresting the petitioner. The petitioner is directed to appear before respondent No.2 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 as and when required for the purpose of investigation.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

16.12.2016
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JUSTICE RAJA ELANGO

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Date: 16.12.2016

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