

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44404 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in registering FIR No.106 of 2016, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 354, 324, and 323 r/w.34 IPC. The case in brief facts of the case are that the petitioners beat the de facto complainant and her husband and A1 and A2 caught hold of the tuft of the de facto complainant and pushed her on the ground and that all the petitioners beat them with hands and legs, due to a dispute with regard to digging a path by the petitioners to the field of the de facto complainant.

The learned counsel for the petitioners submitted that there civil disputes between the parties and that a suit is also pending in the civil court and during existence of injunction order in favour of the petitioners, the husband of the de facto complainant tried to grab the land and therefore, they tried to resist them but, the de facto complaint filed the preset case with false allegations.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complainant, the above crime is registered and that the police concerned are investigating into the matter.

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

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above crime, 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 order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 20, 2016.
KTL

RAJA ELANGO, J