

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37111 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records pertaining to FIR No.205 of 2016 and to quash the same.

Heard and perused the material available on record.

The case of the petitioners is that petitioners 2 & 3 are the committee members of Sridevi Mandala Mahila Samaikya which is DWACRA Group and the 3rd respondent who has been appointed as a Book Keeper/Accountant has swindled a sum of Rs.1,00,000/- pertaining to the said DWACRA group and misappropriated the same. It is further case of the petitioners that the 3rd respondent filed W.P.No.32097 of 2016 questioning the inaction of the 2nd respondent in taking action on her complaint, dated 22.07.2016, and obtained an order directing the police to register FIR, but in fact there was no such complaint given by the 3rd respondent to the respondent police. Later upon sending the copy of the complaint on 20.10.2016, the 2nd respondent registered a case in Crime No.205 of 2016 under Section 354 read with 34 IPC and Section 3(1)(r)(s)(w) of SCs & STs (POA) Act.

Learned Government Pleader submits that the present case was registered as per the direction of this Court in W.P.No.32097 of 2016.

Even though a case is registered against the petitioners as per the direction of the Court, taking into consideration the apprehension of the petitioners that they may be harassed in the name of investigation, this Court is the view that a relief can be given to the petitioners.

Having regard to the same, the 2nd respondent is directed to complete the investigation in FIR No.205 of 2016 as expeditiously as

possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. In case, if any charge sheet is filed and summons are received by the petitioners, they shall appear before the Court concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety to the satisfaction of the concerned Court for their future appearance before the concerned Court.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

RAJA ELANGO,J

Date: 3rd November, 2016

KL

