

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41000 of 2016

ORDER:

1. This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to quash the proceedings against them in FIR No.115 of 2016 on the file of the 2nd respondent.

2. Heard and perused the material available on record.

3. The above crime was registered for the offence under Sections 307 and 509 r/w 34 IPC. It is alleged that due to the disputes over the sale of landed property, on 29.8.2016 while the de facto complainant was in his house, the petitioners and other accused went to the house of the brother of the de facto complainant, kicked him with a stone and caused injuries on his fore-head with an intention to kill him, whereas it is the case of the petitioners that the other accused and minor child, who is the daughter of the 1st petitioner received grievous injuries in the hands of the prosecution party and the 2nd accused who is the wife of the 1st petitioner also received grievous injuries in the hands of the de facto complainant and his family members and she lodged a complaint immediately. But the said complaint was not registered. Meanwhile, the de facto complainant lodged a false complaint against the petitioners and others.

4. The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation in the above crime. However, in view of case and counter-cases, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the Station House Officer concerned as and when required and they are also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand

only) with one surety each for the like sum each to the satisfaction of the Station House Officer concerned, as surety for their future appearance as and when required.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 25th November, 2016
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