

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34125 of 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the third respondent in registering the case in Crime No.69 of 2016, for the offences under Sections 409, 420, 307 read with Section 34 IPC, at the instance of the fourth respondent as illegal, arbitrary and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently to call for the records in the said crime and quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that after registration of the present crime, the petitioners were taken to the police station and they were compelled to execute some documents and thereafter, they were released. He further submits that even now the police are compelling the petitioners to come to the police station and threatening them that they will be arrested if they do not come to the police station. He further submits that even the complaint does not disclose any specific offence or any specific instances and dates of offences, and it only states that the offences start from 13.08.2015 onwards and as such, prays this Court to quash the crime.

Considering the facts and circumstances of the case, this Court is not inclined to interfere with the investigation by invoking Article 226 of the Constitution of India. However, considering the fact that there is an apprehension of arrest of the petitioners, the writ petition is disposed of with a direction to the third respondent to complete investigation without arresting the petitioners and file final report, if any, in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

17.10.2016

pln