

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42435 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Mandamus* or any other appropriate writ declaring the action of the official respondents, especially respondent No.3 in registering a case in crime No.104 of 2016 for the offences under Sections 323, 354 read with Section 34 I.P.C. against petitioners without considering the fact that the complaint of the petitioners in crime No.103 of 2016 is pending investigation against the 4th respondent, her husband and others, as illegal and arbitrary and consequently, direct the 3rd respondent to drop further proceedings against petitioners herein in crime No.104 of 2016.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against petitioners are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioners.

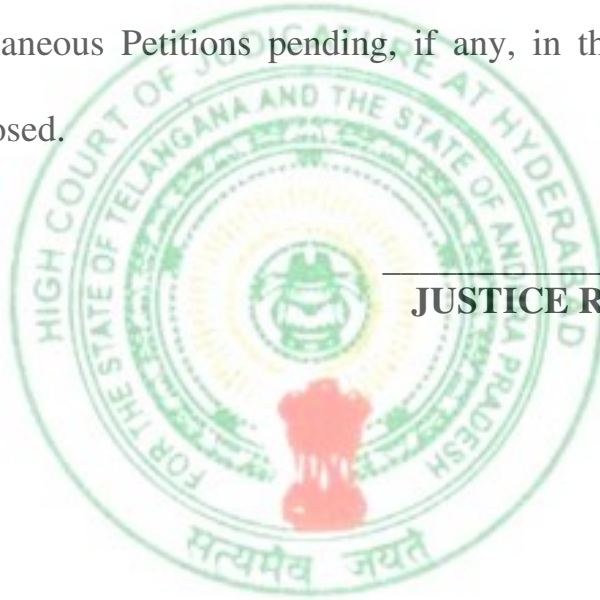
However, it seems that it is a case and case in counter between parties. Further, the learned counsel for the petitioners informs that petitioners are ready to cooperate with the investigation. Therefore, the police concerned are directed to complete the investigation into the crime without arresting the petitioners and file the final report, if any, in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

06.12.2016

skmr



JUSTICE RAJA ELANGO