

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35868 of 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in issuing G.O.Ms.No.113, Education (Se.Vig) Department, dated 05.10.2016, authorizing the fourth respondent to prosecute the petitioner for the offences under Sections 420, 468 and 471 IPC is highly arbitrary and illegal, and consequently to set aside the said Government Order.

Heard and perused the material.

Learned counsel for the petitioner submits that the action of the first respondent in issuing the G.O.Ms.No.113, dated 05.10.2016 is against the principles of natural justice and that there is an apprehension of arrest of the petitioner and as such, he prays this Court to set aside the said G.O.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold and also not to interfere with the sanction granted by the Government to prosecute the petitioner. However, taking into consideration the fact that the petitioner being a lady and also the petitioner is not having any previous case, the fourth respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is also directed to appear before the investigating agency as and when required.

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

JUSTICE RAJA ELANGO

24.10.2016
pln