

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36982 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus declaring the action of 3rd respondent in registering Crime No.82 of 2016 against the petitioners as illegal and arbitrary and consequently, to set aside the said proceedings.

The case of the petitioners is that basing on the complaint lodged by 4th respondent on 18.10.2016, the 3rd respondent registered a case in Crime No.82 of 2016 against the petitioners for the offences punishable under Sections 323, 447, 427 r/w 34 IPC and Section 3(1)(r)(s) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. It is the grievance of the petitioners that they have not committed the offence as alleged and that there is a land dispute between the petitioners and the 4th respondent.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 4th respondent, the 3rd respondent registered the present crime in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to face the trial, but, however, they are apprehending arrest and harassment in the hands of 3rd respondent-police in view of pendency of the crime.

Considering the above, the 3rd respondent is directed to complete the investigation in Crime No.82 of 2016 without arresting the petitioners and file a final report, if any, in accordance with law. The petitioners are directed to appear before the 3rd respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

31.10.2016.
Tsr



