

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40752 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the fourth respondent in registering a case being crime No.820 of 2016 for the offence under Section 420 IPC as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

The allegation against the petitioners herein is that they sold Maruti Suzuki Swift Dzire-ZXi vehicle to the fifth respondent informing that the said vehicle is a new one, but when the fifth respondent went to the service station for first free service, the service station people informed the fifth respondent that first free service for the said vehicle is already over and that the said vehicle has already run 9000 kms.

Learned counsel for the petitioners submits that the service station people have wrongly entered the chasis number and engine number of the vehicle and that the vehicle, which was sold to the fifth respondent, is a new one and it is not used prior to delivery of the said vehicle to the fifth respondent. He further submits that the petitioners have informed the fifth respondent that if he is not satisfied with the said vehicle, they are ready to take back the said vehicle and they are also ready to repay the entire amount paid by the fifth respondent.

This Court is not inclined to quash the proceedings against the petitioners at the threshold. However, considering the facts and circumstances of the case and also considering the submission of the petitioners that the petitioners are ready to repay the entire amount paid by the fifth respondent herein, the fourth respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the fourth respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with

one surety for the likesum each for their future appearance as and when required for the purpose of investigation.

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

JUSTICE RAJA ELANGO

24.11.2016
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