THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37705 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in implicating the petitioner in F.I.R.No.73 of 2016 registered for the offences under Sections 417, 420 IPC read with 34 IPC as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present crime for the offences under Sections 417, 420 IPC read with 34 IPC and that the petitioners have not committed any offence. Hence, the learned counsel prays this Court to quash the proceedings against the petitioners herein.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioners. However, taking into consideration the fact that the first petitioner is an Anganwadi worker and the second petitioner is a Government employee, the second 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 second 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

10.11.2016
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