

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.37591 of 2016**

**ORDER:**

This writ petition under Article 226 of Constitution of India is filed questioning the action of 2<sup>nd</sup> respondent in registering a case against the petitioners in F.I.R. No.91 of 2016 as arbitrary and illegal and consequently, to quash the same.

The case of the petitioners is that on the complaint lodged by the 3<sup>rd</sup> respondent that the petitioners have confined her daughter and while the 1<sup>st</sup> petitioner was committing rape against her, the 2<sup>nd</sup> petitioner supported him, the 2<sup>nd</sup> respondent registered the case in F.I.R.No.91 of 2016 against the petitioners for the offences punishable under Sections 342, 376(2)(j) Criminal Amendment Law Act, 2013, 506 r/w 34 IPC. It is the case of the petitioners that the present case is foisted against them to gain wrongfully and to harass them and the 2<sup>nd</sup> respondent, based on the false complaint is trying to arrest the petitioners.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 3<sup>rd</sup> respondent, the 2<sup>nd</sup> respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioners submits that the petitioners are ready to cooperate for the investigation, but, however, they are apprehending arrest and harassment in the hands of 2<sup>nd</sup> respondent-police.

Considering the facts and circumstances of the case, the 2<sup>nd</sup> respondent is directed to complete the investigation in F.I.R. No.91 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 2<sup>nd</sup> respondent-police and each of them shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum each for their future appearance as and when required for the purpose of investigation. Further the petitioners are directed to subject themselves for medical examination in case, the investigating officer insists for the same.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

08.12.2016.  
Tsr



**RAJA ELANGO,J**

