

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41821 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of certiorari to call for the records pertaining to F.I.R. No.164 of 2013, which is registered for the offences under Sections 409, 409, 120(B) IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present crime and that they have not committed any of the offences as alleged against them. He further submits that the petitioners' names were not found place initially in the F.I.R., and subsequently they are added as accused. The petitioners are mediators for the alleged transaction and that they are added on the basis of the confession statement of the A.2 only. Hence, the learned counsel prays this Court to quash the same.

This Court is not inclined to quash the proceedings against the petitioners at the threshold. However, taking into consideration the fact that the crime pertains to 2013 and also as the petitioners are included as accused basing on the confession statement, 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

01.12.2016
pln