

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41624 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in registering F.I.R.No.832 of 2016 for the offences under Section 384, 420 IPC read with Section 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 petitioner has been falsely implicated in the present crime and that he has not committed any of the offences as alleged against him. He further submits that the third respondent has lodged the complaint with all false allegations and that initially the name of the petitioner is not mentioned in the F.I.R., and subsequently he added as accused and as such, he prays this Court to quash the same.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the fact that initially the name of the petitioner did not find place in F.I.R., the second respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the second respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his 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

30.11.2016
pln