

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43226 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of mandamus to declare the action of 2nd respondent in registering the F.I.R.No.262 of 2016 basing on the false complaint given by 3rd respondent as illegal and arbitrary.

The case of the petitioner is that on the private complaint given by 3rd respondent on 21.6.2016 and on reference by the magistrate concerned, the 2nd respondent registered a case in F.I.R. No.262 of 2016 on 12.08.2016 against the petitioner for the offences punishable under Sections 420 and 506 I.P.C. It is the case of the petitioner that he is implicated falsely and without verifying the genuineness of the complaint, the 2nd respondent is making attempts to arrest the petitioner.

The learned Additional Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent and on due reference by the magistrate, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate for the investigation, but, however, he is apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the fact that the dispute arose out of business transaction between the petitioner and the 3rd respondent, who is the de facto complainant in the crime, the 2nd respondent is directed to complete the investigation in F.I.R. No.262 of 2016 without arresting the

petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the 2nd respondent-police as and when required during the course of investigation.

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

Pending Miscellaneous Petitions, if any, shall stand closed.

14.12.2016.
Tsr

RAJA ELANGO,J



