

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41957 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the third respondent in registering the case being crime No.225 of 2016 registered for the offences under Sections 406, 409, 420, 188 IPC read with Sections 109, 511 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 petitioner is added as accused No.9 on the basis of the confession statement of the other accused. He further submits that the petitioner is a law abiding citizen and his name is included on a false story created by the fourth respondent and as such, the learned counsel prays this Court to quash the same.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the fact that the name of the petitioner is included on the basis of the confession statement, the third 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 third 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

02.12.2016
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