

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40920 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 crime No.132 of 2016 for the offence under Section 409 IPC as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the fourth respondent filed the complaint against the petitioner herein alleging that he misappropriated an amount of Rs.20,000/- from various customers' accounts when he was working as Senior Assistant. He further submits the alleged amount is remitted to the bank though the petitioner has not committed any offence. Hence, he prays this Court to quash the proceedings against the petitioner.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, considering the fact that the alleged amount is already recovered from the petitioner herein, 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

25.11.2016
pln