

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38088 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 crime No.385 of 2016 for the offences under Sections 290, 323, 353 and 34 IPC and threatening the petitioner for his arrest, as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the complaint is lodged without any valid grounds and that the same is lodged only to harass the petitioner. He further submits that the petitioner has not committed any offence as alleged in the F.I.R., and in fact, the third respondent and other police constable abused the petitioner in the name of his caste. Hence, the learned counsel seeks to quash the case against the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that the offences are punishable less than seven years, 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.10,000/- (Rupees ten thousand only) with one surety for the likesum for his future appearance 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

14.11.2016
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