

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.44924 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Certiorari* calling for records relating to Crime No.391 of 2016, dated 01-10-2016 on the file of the Respondent No.3 Police Station as the same is illegal and arbitrary and consequently quash the same.

Heard and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against petitioner are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioner.

However, admittedly, the F.I.R. in this case was registered on the basis of reference made under Section 156(3) Cr.P.C. by the learned Magistrate, but the learned Magistrate has not followed the procedures in forwarding the complaint for registration of the same. Even on a reading of the complaint it is evident that there is construction agreement between the petitioner and the 4th respondent and there is dispute regarding payment of amounts.

Therefore, this Court directs the Police concerned to complete the investigation without arresting the petitioner and file the final report in accordance with law. The petitioner is directed to appear before the

Investigation Officer as and when required by the investigating agency for the purpose of investigation

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

22nd December, 2016

skmr

