

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37834 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering FIR No.214 of 2016 against the petitioner for the offences under Sections 406, 420 and 506 r/w.34 IPC, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The allegation against the petitioner is that he along with other accused cheated the de facto complainant – 3rd respondent, by taking 5 kgs., of gold ornaments on promise to give pure gold 995 bullion along with making charges. The main grievance of the petitioner is that basing on the complaint of the 3rd respondent, the 2nd respondent is trying arrest him without following the due process of law and the allegations in the complaint are all false and baseless.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and the respondents are investigating into the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the 2nd respondent is directed to complete the investigation in the above crime, and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to

appear before the investigating officer concerned as and when required and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 04, 2016.
KTL

