

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45749 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare registration of Crime No.227 of 2016 on the file of the 2nd respondent, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The case in brief is that the petitioner along with others beat the de facto complainant and her daughter with hands and legs and outraged her modesty, due to some property disputes between them.

Learned counsel for the petitioner submitted that the petitioner is the brother and also son-in-law of the de facto complainant and due to some disputes the petitioner left the daughter of the de facto complainant and there are some property disputes between them, and that the de facto complainant and her husband beat the petitioner when he went to his fields, and the petitioner also lodged a complaint against the de facto complainant and others, which was registered as Crime No.228 of 2016.

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

The petitioner filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the

circumstances of the case, and the grievance of the petitioner, and also considering that there are case and counter cases, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer as and when required for the purpose of investigation.

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

RAJA ELANGO, J

December 27, 2016.
KTL

