

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40798 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering the Crime No.267 of 2016 against the petitioners under Sections 342, 452, 365, 323 & 504 read with 34 IPC, as illegal and arbitrary and consequently to quash the same.

Heard and perused the material available on record.

The 3rd respondent lodged the present complaint against the petitioners alleging that when the 3rd respondent's colleague Vijaya Rani along with her son came to their house, meantime the accused criminally trespassed into their house and quarrelled with Vijaya Rani and her son and beat them with chappal as a result of which she sustained injury to her head, seeing the incident the 3rd respondent's husband Kumaraswamy admonished the accused. Later, at about 21.00 hours, when the 3rd respondent along with her family members were in the house, A-3 suddenly came to their house and detained them in the house by locking the doors and on 14.10.2016 at 08.00 hours, A-1 & A-2 again came to their house, opened the locks and took away her husband with them by saying "MEERU VIJAYA RANI NI MAAKU APPAGISTHE, MEE BARTHANU MEEKU APPAGISTHAMU" and threatened with dire consequences. Based on the said complaint, the 2nd respondent registered a case in Crime No.267 of 2016 against the petitioners for the offences punishable under Sections 342, 452, 365, 323 & 504 read with 34 IPC.

The grievance of the petitioners is that the 2nd respondent is trying to arrest the petitioners under the guise of the above said crime.

The petitioners filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case, this Court is of the view that the investigation can be completed without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete the investigation in Crime No.267 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to report before the Investigation Officer concerned daily between 9.00 a.m. and 5.00 p.m. for a period of one (1) week. The petitioners is further directed to execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each to the satisfaction of the Investigation Officer concerned as surety for their future appearance for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 4th January, 2017

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