

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45010 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering a case in Crime No.70 of 2016 for the offence under Section 420 r/w.34 IPC, as illegal and arbitrary, and consequently, direct the respondents to drop further proceedings against the petitioner.

Heard and perused the material available on record.

The case in brief is that the petitioner is running business of manufacturing bio-products under the name and style of Coromandal International Limited. On 10.11.2016, the 4th respondent lodged a complaint before the 3rd respondent alleging that the samples of the bio-products manufactured by the petitioner were drawn and sent for analysis, and the analysis report discloses that the said samples were found mixing with chemicals and insecticides and therefore, the petitioner is cheating the farmers.

Learned counsel for the petitioner submitted that the petitioner never involved in any crime but, a false case was foisted against him and that the 4th respondent did not give any notice to the petitioner with regard to drawing of samples and she has not stated when she received the analysis report, and without there being any complaint from any farmer, the 4th respondent lodged the present complaint with bald and omnibus allegations, and therefore, he requested to direct the respondents to drop further proceedings against the petitioner.

Learned Assistant Government Pleader for Home submitted that on the complaint lodged by the 4th respondent, the above case is registered and the police concerned are investigating into the matter.

Taking into consideration the circumstances of the case, and the grievance of the petitioner, without expressing any opinion on the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation in Crime No.70 of 2016 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 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

January 06, 2016.
KTL

