

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1250 of 2017

ORDER:

This writ petition is filed seeking to declare the action of the 3rd respondent in registering the Crime No.105 of 2012, as illegal and arbitrary and consequently to quash the same.

Heard and perused the material available on record.

The 4th respondent filed a private complaint before the concerned Court, which was referred to the 3rd respondent on 26.03.2012 under Section 156(3) IPC and the 3rd respondent registered the said complaint as FIR No.105 of 2012 on 26.03.2012 for the offences under Sections 498-A, 420 IPC read with 34 IPC and Sections 4 & 6 of the Dowry Prohibition Act against the petitioner and others. It is alleged in the above said complaint that the petitioner is impotent and he is unfit to perform sexual intercourse due to an accident met at London.

The main grievance of the petitioner is that the 3rd respondent issued Look Out Circular against the petitioner since there is absence of the petitioner and that the petitioner is apprehending arrest in the hands of the 3rd respondent in view of the Look Out Circular pending against the petitioner.

The petitioner 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 petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation in FIR No.105 of 2012, as expeditiously as possible, and file a final report, if any, either way, 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 appearance before the investigation officer concerned, as and when required 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: 6th January, 2017

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