

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1227 OF 2017

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the third respondent in registering the crime being F.I.R.No.280 of 2015 for the offences under Sections 406, 420, 468, 471 IPC as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that basing on the complaint of the fourth respondent alleging that the petitioners have borrowed the loans from the fourth respondent by furnishing fake and fabricated pattadar pass books and title deeds etc., the third respondent registered the crime. He further submits that there are omnibus allegations against the borrowers and that there are no specific overt acts against the petitioners herein. He further submits that the petitioners have been falsely implicated in the present crime and that the petitioners have not committed any of the offences as alleged against them.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that the allegations are not so serious in nature, the third respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are directed to appear before the third respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the likesum each for their future appearance as and when required for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

06.01.2017
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