

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43972 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering FIR No.246 of 2016, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

Case of the petitioner is that basing on the complaint of the 3rd respondent, the 2nd respondent registered the aforementioned case for the offences punishable under Sections 384 and 506 I.P.C., against unknown offenders; that on the confessional statements made by the co-accused, he was implicated and arrayed as A5, that he is no way concerned with the allegations made in the complaint; that the 2nd respondent is trying to arrest him without following the due process of law under the guise of the above said crime.

Considering the facts and circumstances of the case, the 2nd respondent is directed to issue notice under Section 41-A Cr.P.C. to the petitioner and shall proceed with the investigation in FIR No.246 of 2016 by scrupulously following the conditions stipulated under Section 41-A Cr.P.C., and the guidelines laid down by the Apex Court in *Arnesh Kumar v. State of Bihar and another*¹.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

RAJA ELANGO, J

January 06, 2017
KTL

¹ 2014 (2) ALT (Cri.) 457 SC