

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1241 OF 2017

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the second respondent in registering the crime being F.I.R.No.124 of 2016 for the offences under Sections 365, 376, 506, 306 IPC and Sections 5 and 6 of the POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners 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. He further submits that the fourth respondent has lodged the complaint with all false allegations and as such, he prays this Court to quash the proceedings against the petitioners.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the facts and circumstances of the case, the second 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 second respondent daily between 9.00 a.m., and 5.00 p.m., for a period of seven days 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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