

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1082 OF 2017

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the high handed action of the respondents 2 and 3 in interfering with the Spa and Saloon business activity of the petitioner as illegal and arbitrary, and consequently to restrain the respondents from interfering with the business activity of the petitioner.

Heard and perused the material.

Learned counsel for the petitioner submits that the third respondent has registered a case being F.I.R.No.855 of 2016 for the offence under Section 294 IPC and that there is apprehension of arrest of the petitioner. He further submits that the petitioner has been falsely implicated in the present crime and that the petitioner has not committed any offence. Hence, he prays this Court to quash the proceedings against the petitioner.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the facts and circumstances of the case, the third respondent is directed to complete the investigation without arresting the proprietor of the petitioner and file final report, if any, in accordance with law. The proprietor of the petitioner is directed to appear before the third respondent and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum for her 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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