

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Writ Petition No.45617 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to set aside the F.I.R. No.181 of 2016 on the file of the 2nd respondent as being illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against petitioners are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioners.

However, admittedly, the F.I.R. in this case was registered on the basis of reference made under Section 156(3) Cr.P.C. by the learned Magistrate, but the learned Magistrate has not followed the procedures in forwarding the complaint for registration of the same.

Further, in view of submissions of the learned counsel for petitioners that petitioners are apprehending of their arrest in view of the pendency of the above crime, the police concerned are directed to complete the investigation into the crime without arresting the petitioners and file the final report, if any, in accordance with law. The petitioners are directed to appear

before the Investigating Agency as and when their presence is required, and cooperate with the Investigating Agency.

Accordingly, 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.

JUSTICE RAJA ELANGO

05.01.2017

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