

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1158 OF 2017

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the proceedings in F.I.R.No.67 of 2016 as illegal and arbitrary, insofar petitioner/A.2 is concerned, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the present complaint is filed by the *de facto* complainant in collusion with the respondents 4 and 5 with all false allegations that the petitioner and her husband purchased paddy from the complainant and not paid the amounts even after repeated demands, and thereby committed cheating. He further submits that the petitioner is a housewife and she is no way concerned with her husband's transactions and as such, seeks to quash the proceedings against her.

This Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the facts and circumstances of the case, the fourth respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the fourth respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five 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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