

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2258 of 2015

ORDER:

Upon hearing both sides, at the admission stage, the following Order is passed:

It is a case under Section 420 IPC. The complaint allegations, in brief, are that a cheque, which was deposited by the complainant with A.1 as a token of security, was misplaced and pressed into service by A.3 and got filed a case under Section 138 N.I.Act against the complainant though the complainant has paid back the due amount to A.1 and thus, A.1 to A.3 cheated him.

The allegations are stoutly denied by the accused and pleaded that it is only a counterblast to the case under Section 138 N.I.Act. The learned Additional Public Prosecutor reported that the investigation is in progress.

Having regard to the facts and circumstances of the case, this Court is of the considered view that truth or falsity of FIR allegations can be decided only after a thorough investigation. Hence, the investigation shall be continued to its logical end. However, considering the nature of the defence of the accused, the Police of Kothur Police Station, Mahabubnagar District, are directed not to arrest the petitioner/A.1 during the course of investigation. The petitioner shall cooperate with the investigating agency for smooth completion of investigation.

With the above observation, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

01-04-2015

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Dt. 01.04.2015

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