

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45717 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare registration of FIR No.1298 of 2016 before the 3rd respondent police station, as illegal and arbitrary and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 420 and 406 IPC. The de facto complainant made a private complaint against the petitioner alleging that the petitioner is her own sister's son and that he is doing private finance business and he took a huge amount of Rs.1,00,00,000/- from the de facto complainant and her husband as hand loan by stating that that he would give share in his business, but he never gave them any share in the business nor returned the amount, and when the de facto complainant demanded for repayment, he along with his staff members threatened them with dire consequences.

Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he never took any hand loan from the de facto complainant, and with a view to harass the petitioner, the de facto complainant filed the above private complaint with all false allegations, which was referred to the police by invoking provisions under Section 156(3) Cr.P.C., without following due process.

The learned Assistant Government Pleader submitted that on the basis of the complaint, the above case was registered against the

petitioner, and the police concerned are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, and the grievance of the petitioner, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 27, 2016.
KTL

