

**HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.46166 of 2016**

**ORDER:**

This writ petition under Article 226 of Constitution of India is filed seeking to declare the charge sheet in C.C.No.148 of 2014, on the file of the XXV Metropolitan Magistrate at Miyapur, against the petitioner, as illegal and arbitrary and to quash the same.

Heard and perused the material available on record.

The case of the petitioner is that the *de facto* complainant, Dr. Thulasi Devi Swarnalatha, filed a private complaint against the petitioner and the same was registered by the 3<sup>rd</sup> respondent as Crime No.685 of 2010 against the petitioner for the offences under Sections 406, 420, 468 & 471 IPC and the 3<sup>rd</sup> respondent, after investigation, filed charge sheet and the case was taken on file as C.C.No.245 of 2009, on the file of the IX Metropolitan Magistrate, Kukatpally at Miyapur and the same is transferred and pending for trial on the file of the XXV Metropolitan Magistrate, Miyapur. It is alleged in the above said complaint that the petitioner induced the *de facto* complainant to marry her and collected huge amounts in the guise of purchasing lands etc., by producing fake documents and misappropriated amounts to a tune of Rs.4 crores.

The main grievance of the petitioner is that there is inordinate delay of seven years in lodging the complaint against the petitioner and that the petitioner is falsely implicated in the above said crime.

The truth of the said allegations can be decided only after due trial. Hence, this Court is not inclined to interfere with the proceedings against the petitioner before the trial Court.

At this stage, learned counsel for the petitioner submitted that the trial Court has issued Non-Bailable Warrant against the

petitioner and the same is pending and the petitioner apprehends that he may be arrested in view of the Non-bailable warrant issued by the trial Court. Learned counsel for the petitioner further submitted that since the NBW is pending against the petitioner, the same may be recalled and that the petitioner is ready to appear before the trial Court.

Having heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and having perused the material available on record, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioner is directed to appear before the Court concerned and file a petition to recall the warrant pending against him and on such petition being filed, the Court concerned is directed to recall the warrant on the same day on his executing personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for a like sum. The petitioner is further directed to appear before the concerned Court regularly.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

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**RAJA ELANGO, J**

Date: 29<sup>th</sup> December, 2016

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