

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44824 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to call for the records pertaining to FIR No.331 of 2016 on the file of the 3rd respondent registered against the petitioners, and consequently, direct the 3rd respondent not to take any coercive measures against the petitioners at the instance of the 4th respondent.

Heard and perused the material available on record.

The case in brief is that the 4th respondent made a private complaint before the I-Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, alleging that it is private limited company doing business in manufacturing sponge iron and steel and its allied items, that as it was in need of High Pressure & High Velocity Gas Base Injection System machinery for its industry purpose, it approached the petitioners 2 to 4, who represent the 1st petitioner company, since the 1st petitioner is a bonafide seller and supplier of Gasifier machinery and purchased the above said machinery for a sum of Rs.62,72,210/- inclusive of all taxes, and paid Rs.45,00,000/-. Thereafter, the 4th respondent received the machinery and installed the same and during the trial of the machinery, the production of materials arrived was of inferior quality and the said machinery is a defective one. Therefore, the 4th respondent filed the present complaint.

Learned counsel for the petitioners submitted that the above crime arises out of a business transaction and that the complainant made a private complaint, which was referred under Section 156(3) Cr.P.C., without following the due procedure, and the petitioners are

ready to cooperate with the investigation and also ready to place the entire material relating to the transactions between the petitioner and the complainant to substantiate the fact that the machinery is not of substandard and also they are ready to activate the machinery and assured the perfect performance of the machinery.

Considering the above facts and circumstances of the case, and the grievance of the petitioners, without expressing any opinion on merits, this Court is of the view that the above case can be investigated into without arresting the petitioners.

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 petitioners. The petitioners are also directed to appear before the investigating officer concerned, produce all relevant documents and execute bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer concerned, 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.

December 22, 2016.
KTL

RAJA ELANGO, J



