

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44879 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in registering the FIR No.653 of 2016, on the file of Ramachandrapuram Police Station, Cyberabad, under Section 156(3) Cr.P.C. against the petitioner, as illegal and arbitrary.

Heard and perused the material available on record.

The 3rd respondent lodged the present complaint against the petitioner, who is arrayed as A-1, and another person (A-2), alleging that the 3rd respondent made an agreement with the accused to sell the land in Survey No.204/A, admeasuring Ac. 2.30 guntas, situated at Pati Village, Patancheru Mandal, for which the accused paid an amount of Rs.2,00,000/- to the 3rd respondent as advance and later the accused paid Rs.18,00,000/- out of Rs.60,00,000/-. The 3rd respondent executed Sale Deed bearing Document No.10368 of 2015 in favour of the accused and received an amount of Rs.24,00,000/- and issued cheque for the remaining sale consideration and that when the 3rd respondent presented the said cheque in SBI, Kakatiyanagar Branch, the same was returned as insufficient fund and thus, the accused cheated the 3rd respondent and committed an offence of breach of trust. Based on the said complaint, the 2nd respondent registered the same as FIR No.653 of 2016, against the petitioner and another for the offences punishable under Sections 420, 406, 506 & 34 IPC and Section 156(3) IPC.

The main grievance of the petitioner is that the 2nd respondent, with the instigation of the 3rd respondent, is demanding to settle the matter with the 3rd respondent and threatening the petitioner to arrest.

Learned counsel for the petitioner submitted that the entire allegations in the above said crime are based on the property transaction between the petitioner and the 3rd respondent and further, there is exchange of legal notices in connection with the subject matter of a cheque for an amount of Rs.7,00,000/-. Learned counsel further submitted that the petitioner is ready to co-operate with the investigation by producing all the documents to substantiate his case.

Considering the said facts and circumstances and since there is an element of civil dispute pending between the petitioner and the 3rd respondent, this Court is of the view that the writ petition can be disposed of with the following direction:

The 2nd respondent is directed to complete the investigation in FIR No.653 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. The petitioner is directed to execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum to the satisfaction of the Investigation Officer concerned as surety for his future appearance for the purpose of investigation. The petitioner is further directed to co-operate with the investigation by producing all the relevant documents to substantiate his case.

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

RAJA ELANGO, J

Date: 22nd December, 2016

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