

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36488 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India with a prayer to declare the FIR No.267 of 2016 on the file Annasagar Police Station, Mahaboobnagar District, as illegal and arbitrary and consequently, set aside the same.

Heard and perused the material available on record.

The 4th respondent lodged a complaint before the 3rd respondent stating that he is one of the Directors of M/s.SAH Infrastructure Private Limited, and that the company owned an extent of 135 Acres of land in Mahabubnagar District. The said land was being acquired by the Government under Palamoor - Ranga Reddy Lift Irrigation Project. The petitioners, who are previous Directors of the company, forged the documents, in collusion of revenue officials, and transferred the land in favour of the government and opened account in AP Grameena Vikas Bank, by a false resolution of the company by forging the signatures and deposited the DDs issued in favour of the company as compensation, and withdrew some amount from the account.

Learned counsel for the petitioners submits that the petitioners resigned from the Directorship of the company and the 4th respondent and another are continued as Directors and since it was found that they indulged in illegal activities contrary to the objectives of the company, they were removed from the Directorship, and therefore, they lodged the present complaint with false allegations and that the petitioners are innocent of the offences alleged against them.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioners and the respondent police are investigating into the matter in accordance with law.

Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, respondent Nos.2 and 3 are 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, as and when required, and cooperate with the investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

October 28, 2016.
KTL