

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39720 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3<sup>rd</sup> respondent in registering FIR No.235 of 2015 for the offences under Sections 420, 423, 323, 506 and 120(b) IPC, and consequently, direct the 3<sup>rd</sup> respondent to drop the proceedings against the petitioner in the above crime.

Heard and perused the material available on record.

The allegation against the petitioner is that he, along with the other accused, cheated the de facto complainants i.e. respondents 4 to 6, by selling a house property belonging to A1 and after receiving the entire sale consideration, without registering the property in their name, sold away the same to a third party.

Learned counsel for the petitioner submitted that the petitioner purchased the property from the 7<sup>th</sup> respondent and since there are disputes in the said property, the sale deed was not executed and therefore, he withhold some amount, but the 7<sup>th</sup> respondent filed a suit for recovery of money and also civil suits in connivance with the respondents 4 to 6, and the respondents 4 to 6 have filed a private complaint before the Magistrate with all false allegations.

The learned Assistant Government Pleader for Home submitted that on the basis of the complaint, a case was registered against the petitioner and others, and the respondents 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 facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the respondents 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 petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his appearance before the investigating officer as and when required, for the purpose of investigation.

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

RAJA ELANGO, J

November 17, 2016.  
KTL

