

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38839 of 2016

ORDER:

The present writ petition is filed seeking to call for the records pertaining to FIR No.1 of 2016 pending on the file of 3rd respondent registered for the offences under Sections 420, 464, 468 and 120(b) IPC and 43 and 44 of the Motor Vehicles Act, as illegal and arbitrary and consequently, quash the same.

Heard and perused the material available on record.

The case of the petitioner is that the 2nd respondent has lodged a complaint against the petitioner and others, stating that on 11.07.2016 a batch of 27 goods transport vehicles were registered at the Mangalagiri Motor Vehicles Inspector's office, i.e. the petitioner herein, without the vehicles being produced for inspection and the petitioner has forwarded the documents for registration, without verifying the vehicles.

Learned counsel for the petitioner submitted that on verification of the applications along with the required documents and also the receipts pertaining to payment of temporary registration fee, sales tax details etc., and also the other annexures, which are tallied with the chassis numbers embossed on the applications, the petitioner has forwarded the applications for registration of the said vehicles, without physical verification of the vehicles. He further submitted that the anticipatory bail application filed by the petitioner was rejected and since the anticipatory bail application was rejected, the police are trying to arrest the petitioner and that the petitioner is ready to cooperate with the investigation.

The respondents 1 and 3 have filed counter affidavit, stating that the petitioner in conspiracy with the agents and brokers has recommended the applications of the vehicles for getting registration, without verifying the vehicles and he has also admitted the fact of not verifying the vehicles physically in his affidavit, and since prima facie case is made out against the petitioner, the matter has to be investigated into.

The undisputed fact is that the petitioner has signed the documents and sent the same to the Regional Transport Officer, without physically verifying the vehicles. The petitioner has also admitted the said fact in his affidavit, which reads as under:

“I verified the documents and found tat they are in order along with Chassis number of each vehicle embossed on Form 20, therefore, under the bonafide impression that the vehicles are near by and further as the owners have given the embossed chassis numbers on the application, I signed on the applications and forwarded the same for registration to Regional Transport Officer, Guntur. On the same day evening, all the officers of the entire district were called by the Deputy Transport Commissioner for review meeting to be held at 5.00 pm in the DTC Office, Guntur and I also had to attend the meeting. Thereafter I came to know that though the owners have produced documents before me for registration, they are yet to take the delivery of the vehicles from accused No.1 dealer at the time of submitting the applications for registration.”

Considering the facts and circumstances of the case, this Court is of the view that the present case is necessarily be investigated into and the culprits should be punished, if the investigation reveals commission of the crime. But, at the same time, in view of the submissions made by the petitioner in the affidavit itself, informing that he has not physically verified the vehicles and only on bonafide belief, he has signed the papers, fairly indicates that the petitioner has inadvertently committed

the said crime. Hence, this Court is of the view that investigation in the above crime can be completed without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned daily between 10.00 am and 5.00 pm, for a period of fifteen (15) days for the purpose of investigation, and also execute a personal bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) with one surety for the like sum for his future appearance before the investigating officer concerned 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.

November 23, 2016.
KTL

RAJA ELANGO, J

