

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41051 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of respondents 3 & 4 in calling the petitioners to the police station in pursuance of the CFR No.1691 of 2016, dated 27.04.2016, as illegal and arbitrary and to consequently direct respondents 3 & 4 not to arrest the petitioners.

The grievance of the petitioners is that the 5th respondent filed a private complaint under Section 200 Cr.P.C. against the petitioners for the offences Sections 190, 192, 193, 420, 463 to 465, 468, 470, 471 read with 34 IPC, before the Judicial Magistrate of First Class, Rayachoti, alleging that the petitioners are in the habit of occupying and selling the properties at any time and calculating interest at exorbitant rate and calculating compound interest at the rate of more than Rs.10/- to Rs.20/-. The learned Magistrate entertained the complaint on 27.04.2016 and issued CFR No.1691 of 2016 and under the guise of the above said complaint, respondents 3 & 4 are calling the petitioners to the police station without there being any complaint referred to the police by the learned Magistrate under Section 156(3) Cr.P.C.

Considering the grievance of the petitioners, respondent 3 & 4 are directed to not to harass the petitioners without registering any case against the petitioners for cognizable offence. Further, if the CFR No.1691 of 2016 is referred by the Judicial Magistrate of First Class, Rayachoti, to respondents 3 & 4, under Section 156(3) Cr.P.C., then respondents 3 & 4 are directed to complete the investigation as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 25th November, 2016

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