

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43714 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records in FIR No.321 of 2016 pending on the file of Langer House Police Station, Hyderabad, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 406, 420 and 506 IPC. The case in brief is that the de facto complainant – 3rd respondent approached the petitioner and the other accused for a hand loan of Rs.5,00,000/- and that the petitioner agreed to pay the same by keeping his property documents. Thereafter, after receiving the property documents, the petitioner paid Rs.1,75,000/- only and dodged the payment of remaining loan amount. When the de facto complainant approached the petitioner and the other accused, they abused him in filthy language and threatened him with dire consequences, by stating that the property was taken over by one Nayeem without any payment.

Learned counsel for the petitioner submitted that the petitioner filed a private complaint before the Magistrate, which was referred to the police for investigation, without following due process of law and that the petitioner is innocent of the offences alleged against him.

Considering the facts and circumstances of the case, the 2nd respondent is 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 a 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.

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

RAJA ELANGO, J

December 16, 2016.
KTL

