

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42780 of 2016

ORDER :

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ or order, more particularly one in the nature of writ of *Certiorari* and call for the records and quash the F.I.R. No.102 of 2016, dated 07-06-2016 on the file of the Bhadrachalam Town Police Station, Khammam District, the 2nd respondent herein, for the offences under Sections 420, 506 and 294(b) of I.P.C. as illegal and arbitrary.

Heard and perused the material available on record.

The allegations made by the 3rd respondent – complainant is that the petitioner, who is an Advocate, taken the money of the 3rd respondent's father to a tune of Rs.6,50,000/- on the guise of depositing the same to yield the interest and promised to return the said amount as and when required. Subsequently, the petitioner failed to return the amount as promised and he has cheated the 3rd respondent's father.

The case of the petitioner herein is that it is true that the 3rd respondent's father approached and prayed the petitioner to save the said amount by way of investing in the bank or at some other source. The petitioner has given the said amount as a loan to another person and also obtained a promissory note in favour of the 3rd respondent's father. Thereafter, the said person has not returned the said money. Further, the petitioner has also given an undertaking before the Inspector of Police in

favour of the 3rd respondent herein that either he will collect the said amount or he will pay the amount in instalments, but however, the 2nd respondent herein is harassing the petitioner in the name of the investigation and threatening to arrest the petitioner herein. It is informed by the learned counsel for the petitioner that the petitioner is ready to cooperate with the investigation.

Considering the said facts and circumstances, the Police concerned is directed to complete the investigation without arresting the petitioner and file the final report in accordance with law. The petitioner is directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with one surety for a like sum to the satisfaction of the Investigating Officer for his future appearance as and when required by the investigating agency for the purpose of investigation

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

08th December, 2016

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