

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41677 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating FIR No.25 of 2016 on the file of Station House Officer, Manthani, Karimangar District, and quash the same.

Heard and perused the material available on record.

The allegation against the petitioner is that he along with another took an amount of Rs.5,00,000/- from the de facto complainant by saying that they will provide government job for him and after receiving the amount, they failed to do so and did not return the said amount.

Learned counsel for the petitioner submitted that the de facto complainant has already filed CC No.315 of 2013 before the Judicial Magistrate of First Class, Manthani, for the offence under Section 138 of Negotiable Instruments Act, against the petitioner and another, and that as per the complaint the offence took place in the year 2013 and now the present case is filed, and that there is delay in lodging the complaint.

The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation, considering the facts and circumstances of the case, without going into the merits of the case, the 2nd respondent is directed to complete the investigation in the above crime and file a final report, in accordance with law in either way, 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 agency as and when required, for the purpose of investigation.

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

December 01, 2016
KTL

RAJA ELANGO, J



