

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37140 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed questioning the action of the official respondents in registering various crimes against the petitioners herein in Crime Nos.816 of 2015, 850 of 2015, 508 of 2016, 130 of 2016 (FIR No.208 of 2016), 193 of 2016, 555 of 2016, 556 of 2016, 572 of 2016, 603 of 2016 and 606 of 2016 and consequential direction to the 2nd respondent to investigate Crime No.816 of 2015 by clubbing all other crime Nos.850 of 2015, 508 of 2016, 130 of 2016 (FIR No.208 of 2016), 193 of 2016, 555 of 2016, 556 of 2016, 572 of 2016, 603 of 2016 and other related crimes arising out of Dealership Agreements with Crime No.816 of 2015 and further direct the official respondents not to arrest the petitioners in above crimes and future crimes arising in respect of the Dealership Agreements.

Heard and perused the material available on record.

The first petitioner is a company engaged in the business, trading and manufacturing of automobiles. The case of the petitioners is that respondents 9 to 18 approached the first petitioner and entered into dealership agreements with the first petitioner for selling its motor cycles and related spare parts and that the agreement was valid for a period of five years and that the first petitioner supplied the vehicles to its dealers on some partly cash and some partly on credit basis. Thereafter, some dealers on seeing the potentiality of the motor cycles directly approached the Chinese company and requested them to supply vehicles directly by-passing the first petitioner. The said fact was known to the first petitioner through the Chinese company and on questioning the same with respondents 9 to 18, they bore grudge on the petitioners and started harassing since then to sell its entire business to them, failing which the

petitioners would have to face dire consequences. The main grievance of the petitioners is that respondents 9 to 18 have filed different complaints against the petitioners under the Dealership Agreements and that the complaints lodged against the petitioners herein are registered as Crime Nos.816 of 2015, 850 of 2015, 508 of 2016, 130 of 2016 (FIR No.208 of 2016), 193 of 2016, 555 of 2016, 556 of 2016, 572 of 2016, 603 of 2016 and 606 of 2016.

In all the above complaints, the allegations are in respect of the Dealership Agreements entered between the first petitioner and the dealers, who are the *de facto* complainants in different crimes.

Learned counsel for the petitioners submitted that the dispute is purely civil in nature and that the official respondents, in collusion with respondents 9 to 18, have registered different crimes against the petitioners based on the false complaints lodged by respondents 9 to 18 only with a view to sell the entire business of the petitioners to respondents 9 to 18 and among the said ten cases, in some cases, the petitioners were already arrested and released on bail and in some cases, this Court stayed the arrest of the petitioners herein.

The main contention raised by the learned counsel for the petitioners is that all the crimes registered against the petitioners disclose the offences punishable under Sections 420, 506, 120-B IPC and also under Section 5 of the A.P. Protection of Depositors of Financial Establishments Act, and even though the *de facto* complainants, who are dealers, are different persons, the petitioners are arrayed as accused in all the crime numbers. Apart from that, the allegations in all the crimes arise out of Dealership Agreements between the *de facto* complainants, who are dealers and the petitioners for supply of vehicles to the concerned *de facto* complainants. The learned counsel for the petitioners further submitted that if all the crimes are clubbed together and

investigated by the same investigation agency, no prejudice would be caused to the investigation agency and that the petitioners are ready to co-operate with the investigation agency for the purpose of investigation.

Learned Government Pleader for Home representing the official respondents submitted that in three of the crimes, the petitioners were arrested and their confession statements were recorded and they were released on bail. Learned Government Pleader further submitted that the nature of allegations, the date of registration and the stage of investigation in each crime is different and hence, all the crimes cannot be clubbed together and that if all the crimes are clubbed together, then it will cause prejudice to the investigation agency.

Considering the rival submissions of both the counsel, the Writ Petition is disposed of with the following directions:

The Station House Officer, Central Crime Station, Hyderabad (7th respondent), who registered Crime No.193 of 2016 and also Crime No.130 of 2016 (FIR No.208 of 2016) which was transferred from the Mirchowk Police Station, Mirchowk, Hyderabad (6th respondent) to the 7th respondent Police Station and pending on its file, is directed to complete the investigation in other Crimes bearing Crime Nos.816 of 2015, 850 of 2015, 508 of 2016, 555 of 2016, 556 of 2016, 572 of 2016, 603 of 2016 and 606 of 2016, which are registered by various investigation agencies and after investigating all the crimes, if the 7th respondent is of the view that a single charge sheet can be filed, he is at liberty to file a single charge sheet informing the charges against the petitioners for each count based on different complaints. If the 7th respondent is of the view that different charge sheets should be filed, the 7th respondent is directed to complete the investigation in all the crimes, as expeditiously as possible, and file final reports, if any, either way in accordance with law, without arresting the petitioners, since in three of the cases where the petitioners

were already arrested and released on bail. The petitioners are directed to report before the 7th respondent daily between 10.00 a.m. and 5.00 p.m. until further orders and the petitioners are directed to co-operate with the 7th respondent for the purpose of investigation.

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

RAJA ELANGO,J

Date: 22nd November, 2016

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