

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:34580 OF 2016

ORDER:

1. The present writ petition is filed by the petitioner seeking to issue a Writ of Certiorari and to quash the complaint and investigation in FIR No.273 of 2016, dated 24.8.2016 on the file of the 2nd respondent, insofar as the petitioner is concerned.

2. It is stated in the affidavit that the 3rd respondent gave a complaint to the 2nd respondent alleging that he supplied silk sarees on credit basis to M/s. Kala Niketan Textiles and Jewels Private Limited and the said company having sold the silk sarees, failed to pay the price thereof to the 3rd respondent. In the said complaint, the petitioner was shown as A5 alleging that he is one of the Directors of the Company. The petitioner is no way responsible for non-payment of the amount by the company for the silk sarees supplied by the 3rd respondent and the petitioner ceased to be a Director on 19.4.2016.

3. Heard and perused the material available on record.

4. The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation. However, taking into consideration the facts and circumstances of the case and since the present complaint is purely based on the business transaction, this Court is of the view that the investigation can be completed without arresting the petitioner.

5. Accordingly, respondents Nos.1 and 2 are directed to complete the investigation and file a final report, in accordance with law in either way, without arresting the petitioner.

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

JUSTICE RAJA ELANGO

Dated: 17th October, 2016
Nn.



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17/10/2016

Nn.