

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40944 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the third respondent in registering crime No.111 of 2016 for the offences under Sections 420, 423, 465 and 427 IPC as illegal and arbitrary, and consequently, to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the fourth respondent lodged the complaint against the petitioner herein alleging that the petitioner cheated the bank by way of submitting the forged and fabricated documents for the purpose of obtaining loan and that he has defaulted in repaying the said loan. He further submits that the petitioner has not committed any offence and that due to the financial incapacity only, the petitioner could not able to repay the loan and he has no intention to cheat the bank. Hence, he prays this Court to quash the proceedings against the petitioner herein.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, considering the facts and circumstances of the case and also as the case is arising out of a loan transaction, the third respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the third respondent and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

.The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

25.11.2016
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