

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40140 of 2016

ORDER

This writ petition is filed by petitioners seeking to declare the action of 2nd respondent in registering the FIR in Cr.No.657 of 2016 dated 24.09.2016 of Panjagutta Police Station, Hyderabad City, registered for the offence under Section 420 IPC against the petitioners, as illegal and arbitrary.

2. It is stated in the affidavit that the 3rd respondent gave a complaint against petitioners stating that a sale deed was executed by him in favour of accused on 08.07.2015 with regard to purchase of office Unit No.401 in the 4th floor of commercial building and the 2nd petitioner issued two cheques to him for Rs.20,00,000-each towards part of sale consideration and when those cheques were presented in the Bank, they were dishonoured, thereby the petitioners cheated him. It is stated that though the petitioners have paid the entire sale consideration, the 3rd respondent lodged the complaint falsely against them and that the police are threatening to arrest them. Hence, they filed the present writ petition.

3. Learned Assistant Government Pleader submitted that on the basis of, the respondents are investigating into the matter in accordance with law.

4. The main grievance of petitioners is that the 2nd respondent did not conduct any enquiry and did not issue any notice to them

and that he is trying to arrest them without following due process of law.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits, respondents Nos.1 and 2 are directed to complete the investigation in Crime No.657 of 2016 of Panjagutta Police Station, Hyderabad City and file a final report in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the Station House Officer concerned as and when required and further directed to execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with one surety for the like sum each to the satisfaction of the Station House Officer concerned, as surety for their future appearance as and when required.

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

JUSTICE RAJA ELANGO

19th December, 2016

sj



