

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44151 of 2016

ORDER:

1. This writ petition is filed by the petitioner-A2 under Article 226 of the Constitution of India seeking to quash the proceedings against him in FIR No.266 of 2016 on the file of Sarpavaram Police Station, East Godavari District.
2. Heard and perused the material available on record.
3. It is alleged that A1 took a hand loan from the complainant by mortgaging his property and as A1 was unable to discharge the said debt, the complainant purchased the property mortgaged by A1 and got registered the said property after paying the sale consideration and after deducting the amount lent by him. Later, the complainant came to know that A1 with the support of the petitioner-A2 created fake documents for getting amount from the complainant. It is the grievance of the petitioner that he has not committed any offence as alleged by the complainant.
4. The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation in the above crime. However, in view of the fact that the present complaint has arisen out of civil transaction, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioner. The petitioner is directed to appear before the Station House Officer concerned as and when required and the petitioner is also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with

one surety for the like sum to the satisfaction of the Station House Officer concerned, as surety for his future appearance as and when required.

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

RAJA ELANGO, J

Date: 19th December, 2016
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