

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43528 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare registration of FIR No.282 of 2016 on the file of the Choutuppal police station, Nalgonda District, as illegal and arbitrary.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 420 and 468 IPC and 82(c) of the Registration Act. The case in brief is that the Sub-Registrar, Choutuppal, lodged a complaint before the 2nd respondent stating that one unknown person came with a AGPA in respect of a property with all related documents and executed a sale deed in favour of the petitioner and thereafter, the original owner of the said property came to the Registrar Office and complained that the said person by impersonating him, registered the sale deed in favour of the petitioner.

The learned counsel for the petitioner submitted that the petitioner is innocent of the above offences and that he purchased the above property after verifying the documents and that the main persons involved in the above crime were already arrested and remanded to judicial custody.

Learned Assistant Government Pleader for Home submitted that basing on the complaint of the de facto complainant, the above crime is registered and that the police concerned are investigating into the matter.

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 the grievance of the petitioner, without going into the merits of the case, this Court is of the view that the investigation in the above case can be completed without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and give his signatures and hand-wringing for the purpose of investigation, and also execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum, for his future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

With the above directions, the writ petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

December 15, 2016.
KTL

RAJA ELANGO, J