

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43476 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare registration of FIR No.189 of 2016 on the file of the Yedpally Police Station, Nizamabad District, as illegal and arbitrary and quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 420 and 406 IPC. The case in brief is that the 3rd respondent is the customer of the petitioner Bank and he has a Savings Account in that bank; that he was granted a loan from NABARD and that the petitioner collected excess amount Rs.29,993/-, and therefore, he made a private complaint against the petitioner and basing on the same, the present case is registered.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and that the 3rd respondent made the private complaint, which was referred under Section 156(3) Cr.P.C., without following the due process of law.

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 execute personal bond for a sum of Rs.5,000/- (Rupees five 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