

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42591 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare FIR No.605 of 2016 on the file of Madhapur Police Station, Cyberabad, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The offences alleged against the petitioners are under Sections 408 and 420 IPC. The petitioners are the Directors of M/S HMR Infra Projects Private Limited and the 3rd respondent, who is another Director of the Company, lodged a complaint alleging that the petitioners withdrew an amount of Rs.4.00 crores approximately, from the account of the company within a span of one year, without there being any authorization and cheated the company and misappropriated the said amount.

Learned counsel for the petitioners submitted that the petitioners are innocent of the above said offences and that the company is a running company and has been executing various works at various places and in that process, to meet the expenses, the amount was withdrawn and that the 3rd respondent himself involved in misappropriation of some part of the property and got registered the same in his name and apprehending that the company may lodge any criminal proceedings against him, he filed the present complaint with false allegations.

Learned Additional Government Pleader submitted that basing on the complaint, the above case is registered and that the respondent police are investigating into the matter.

The petitioners 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 petitioners, without going into the merits of the case, this Court is of the view that the investigation can be completed without arresting the petitioners.

Accordingly, 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 petitioners. The petitioners are directed to appear before the investigating officer concerned, and execute personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with one surety for the like sum each for their future appearance, as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

December 07, 2016.
KTL

