

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38540 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering FIR No.12 of 2016 against the petitioner, for the offences under Sections 420, 409 and 120(b) IPC, as illegal and arbitrary.

Heard and perused the material available on record.

The 4th respondent lodged a private complaint against the petitioner and others alleging that the petitioner and other accused, being staff of Pushpagirimutt, Tirumala, criminally conspired together and misappropriated an amount of Rs.1,50,00,000/- by illegally withholding the said amount into the personal account of A4, which was collected through rents, conducting marriages and funds by the donars and not accounting the same to the mutt.

Learned counsel for the petitioner submitted that the petitioner has never held any office pertaining to Tirumala Mutt, and he was falsely implicated in the present case, and as an authorized representative he lodged a report in the month of December 2015 for the offences under Sections 409 and 420 r/w.120(b) IPC, and therefore, as a counter blast to the same the present case is filed before the Magistrate and the same was referred to the police for investigation without following the due process.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner, and

others, and that the respondents are investigating into the matter in accordance with law.

The petitioner filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation, considering the facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the case, the respondents 2 and 3 are directed to complete the investigation in the above crime and file a final report, 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 a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his future appearance for the purpose of investigation.

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

November 09, 2016
KTL

RAJA ELANGO, J

