

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44550 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of 3rd respondent in registering FIR No.90 of 2016 and consequently to quash the same.

Heard and perused the material available on record.

The case of the petitioner is that the Extension Officer Sri P. Venugopal Reddy, at the instructions of the District Collector, lodged the present complaint on 03.12.2016, alleging that the petitioner, being In-charge Secretary of Gram Panchayat, Komitipalli, Malluru, Thimampeta, Cherupally and Kathigudem, did not produce records of various works that were undertaken, though notice was issued on 06.10.2016. Since records were not produced, enquiry was conducted and took decision to lodge report. Basing on the said report, the 3rd respondent registered the same as FIR No.90 of 2016, dated 03.12.2016, for the offence punishable under Section 409 IPC.

Learned counsel for the petitioner submitted that during that period, the petitioner suffered serious ill-health and the petitioner was admitted in Sunshine Heart Institute, Secunderabad, as inpatient and took treatment for long period and as such the petitioner could not produce the record. In the meantime, all the records were seized from the office and they are in the custody of the Executive Officer and as such no offence had taken place and the FIR is liable to be quashed.

Considering the said facts and circumstances and the submissions of the learned counsel for the petitioner, the 3rd respondent is directed to complete the investigation in FIR No.90 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. The petitioner is directed to execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum to the satisfaction of the 3rd respondent as surety for his future appearance for the purpose of investigation. The petitioner is directed to co-operate with the investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 21st December, 2016

KL

