

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40243 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 the 3rd respondent in registering a case in Crime No.125 of 2016 for the offences punishable under Section 420 IPC, as illegal and arbitrary and consequently quash the proceedings against him.

Heard and perused the material available on record.

The allegation against the petitioner is that he agreed to sell his property to the de facto complainant and after receiving the entire sale consideration, he did not register the property in the name of the de facto complainant and thereby, cheated him.

The grievance of the petitioner is that there are money transactions between himself and the de facto complainant and that he intended to purchase the plot, which the petitioner already purchased, and asked the petitioner, but, the petitioner told that after completion of registration in his favour, he would think about the proposal, and therefore, the de facto complainant pressurizing him through the 3rd respondent to pay an amount of Rs.3.00 lakhs, otherwise he would be implicated in criminal cases.

Learned Assistant Government Pleader for Home, submitted that basing on the complaint against the petitioner, the above crime is registered and the police concerned are investigate the matter in accordance with law.

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

Accordingly, the respondents 2 and 3 are 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 a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his appearance before the investigation 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. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

November 22, 2016.
KTL

