

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39890 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3rd respondent in registering the FIR No.379 of 2016, dated 14.09.2016, for the offences punishable under Sections 420 IPC and 156(3) Cr.P.C. against the petitioner showing him as accused, as illegal and arbitrary.

The case of the petitioner is that the 4th respondent filed a private complaint against the petitioner before the XV Metropolitan Magistrate, at Medchal, which was referred to the 3rd respondent, who registered the same as FIR No.379 of 2016, dated 14.09.2016, alleging that the petitioner borrowed an amount of Rs.20,00,000/- on 26.02.2015 and the same is repayable within one month along with interest and that after three months, when the 4th respondent demanded the petitioner to repay the said amount, the petitioner issued a post dated cheque and when the 4th respondent presented the said cheque in the bank, the same was returned due to insufficient funds, vide memo, dated 01.08.2016. The main grievance of the petitioner is that the 3rd respondent is frequently visiting the house of the petitioner and threatening to arrest the petitioner under the influence of the 4th respondent and if he is arrested and remanded to judicial custody, he may be put to irreparable loss and injury.

Considering the grievance of the petitioner, the 3rd respondent is directed to complete the investigation in FIR No.379 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 to the satisfaction of the 3rd respondent as surety for his future appearance for the purpose of investigation.

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

RAJA ELANGO,J

Date: 18th November, 2016

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