

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43650 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to call for the records in FIR No.136 of 2016, dated 25.07.2016 and to quash the same.

Heard and perused the material available on record.

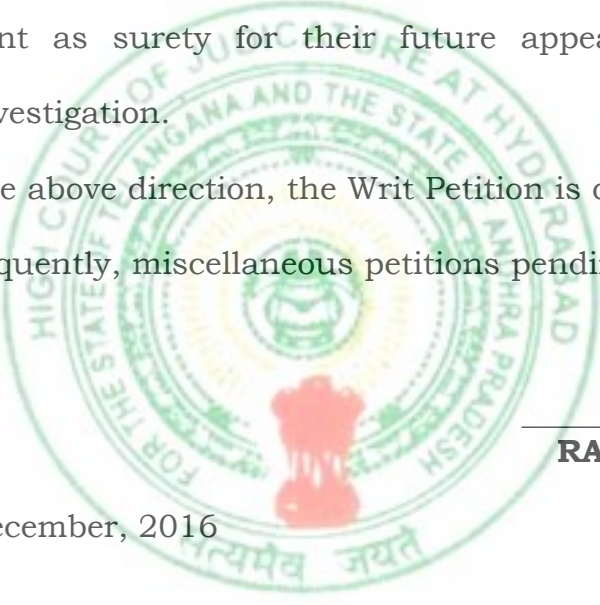
The 4th respondent filed a private complaint before the learned Additional Junior Civil Judge, Mangalagiri, which was referred to the 3rd respondent on 25.07.2016 under Section 156(3) IPC and the 3rd respondent registered the said complaint as FIR No.136 of 2016 on 25.07.2016 for the offences under Sections 406, 420, 465, 506 read with 34 IPC against the petitioners. It is alleged in the above said complaint that the petitioners cheated the 4th respondent by selling four plots in R.S.No.14, situated in Mangalagiri, to an extent of 2468.66 square yards to the 4th respondent and that the 4th respondent made an agreement for purchasing the said plots for an amount of Rs.3,01,75,000/- and that at the time of agreement, the 4th respondent gave an amount of Rs.1,00,00,000/- to the petitioners and later when the 4th respondent verified at revenue offices about the said four plots, he found that those plots are not house sites and not converted from agriculture plots to non-agriculture plots and that the said plots are placed under reserved category of A.P. Capital Regional Development Authority and thus, the petitioners cheated the 4th respondent.

Learned counsel for the petitioners submitted that the 3rd respondent has entertained the complaint which is civil in nature

and that a suit has been filed on the same subject matter and that the 4th respondent cannot prosecute parallel proceedings which amounts to harassment.

Considering the submissions of the learned counsel for the petitioners, the 3rd respondent is directed to complete the investigation in FIR No.136 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety each to the satisfaction of the 3rd respondent as surety for their future appearance for the purpose of investigation.

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



RAJA ELANGO, J

Date: 15th December, 2016

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