

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36332 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings against him in FIR No.6 of 2016 registered for the offence under Sections 420, 409, 468 and 471 r/w 34 IPC.
2. Learned counsel for the petitioner submits that during the relevant period, the petitioner being the Manager of the Bank sanctioned loans after following due procedure and that some loans have been cleared off after registration of the crime. He further stated that the petitioner has never committed any irregularities in sanctioning the loans as alleged and no case is made out against the petitioner.
3. A perusal of the material on record would reveal that the petitioner herein alleged to have committed certain irregularities being the Manager of the Bank in sanctioning home loans. Even if all the allegations of the complaint are taken at their face value and in its entirety, prima facie, a case is made out against the petitioner, involving misappropriation of huge amounts of the bank, the truth or otherwise of which have to be necessarily investigated by the investigating agency and the same cannot be adjudicated at the threshold. Since specific overt acts were attributed against the petitioner for the offences, much less the alleged offences, this Court is not inclined to interfere with the proceedings invoking the jurisdiction under Article 226 of the Constitution of India and hence, the writ petition is liable to be dismissed.
4. At this stage, the learned Counsel for the petitioner stated that the petitioner is apprehending of his arrest in view of pendency of the above crime.

5. Considering the facts and circumstances of the case and the submissions of the learned Counsel for the petitioner, the C.I.D of Police, Hyderabad are directed to complete the investigation into the above crime without arresting the petitioner and file a final report before the Court concerned. However, in the event of any necessity, the C.I.D of Police are directed to issue notice to the petitioner to appear before it for the purpose of investigation, on receipt of which, the petitioner is directed to appear before the police, for the purpose of investigation and cooperate with the investigating agency.

6. With the above direction, the Writ Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand dismissed.

Date: 27th October, 2016
Nn



RAJA ELANGO, J

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Date: 27th October, 2016

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