

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38715 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the proceedings against him in FIR No.15 of 2016 on the file of CID Police Station, Hyderabad, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 420, 463 and 406 IPC. The allegation against the petitioner is that he along with the other accused, cheated the de facto complainant and others and misappropriated an amount of Rs.1,76,00,000/- which was invested by the de facto complainant and others in the business of selling machinery of residual power (Rice pulling bowl), believing the words of the petitioner and other accused.

The grievance of the petitioner is that he is innocent of the offences alleged against him and there are no specific overt acts against him in the complaint and also in the remand case diary, and that A5 and A7 obtained anticipatory bail and the other accused were arrested and remanded to judicial custody, and though he was not involved in any transactions, he was shown as A6 and that the respondent police are trying to arrest him.

Learned Assistant Government Pleader for Home submitted that basing on the complaint, the above case was registered against the petitioner and others, and that the respondent police are investigating into the matter.

The petitioner filed the present writ petition challenging investigation in the above crime. This Court is not inclined to interfere with the investigation. However, considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the respondents Nos.2 to 4 are directed to complete the investigation in Crime No.15 of 2016 of CID Police Station, Hyderabad, and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned, daily between 10.00 am and 5.00 pm, for a period of one month, and execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum, for his future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

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

December 08, 2016
KTL

RAJA ELANGO, J