

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36642 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to quash the F.I.R. in Crime No.211 of 2016 of Anantapur II Town Police Station, Anantapur District as being illegal and arbitrary.

2. Heard and perused the material available on record.

3. The allegation against the petitioners is that they are the organizers of “Texila American University” and running an organization in Coimbatore; that the petitioners, with an intention to cheat the public, created a website and offering MD and MBBS Courses and they are charging \$ 75,000 USD or \$ 60,000 USD for each MD course Certificate by promising that they will get M.C.I. (Medical Council of India) recognition; that the complainant believed them and deposited \$ 32,000 in HDFC Bank, Anantapur for MD course certificate and later, she came to know that the said university issued fake MD certificate; that the complainant requested to refund her fee, but the petitioners did not return the fees and did not arrange the MD certificate.

4. Learned counsel for the petitioners submitted that the petitioners are running the Institute since several years without there being any allegations and the said complaint is lodged only for returning of the fees to respondent No.4; that the complaint does not contain any incriminating material against them; that they never did any criminal activities and respondent No.3 is trying

to arrest them without following the due process of law and hence, prays to quash the said F.I.R.

5. Learned Assistant Government Pleader for Home submitted that on the basis of the said complaint, a case was registered against the petitioners and respondent No.3 is investigating the matter in accordance with law.

6. Admittedly, respondent No.4 has completed her MD course for the first year. Hence, there is no necessity of returning the fees to her. The petitioners are also ready to face the investigation. Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, respondent No.3 is hereby directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioners. However, the petitioners shall appear before the investigating officer as and when required for the purpose of investigation.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

28.10.2016
AMD

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Date: 28.10.2016

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