

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38612 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to call for the records relating to FIR No.63 of 2016 on the file of Ananthasagaram Police Station, SPSR Nellore District, registered against the petitioner for the offences under Sections 406 and 420 IPC, and to quash the same.

Heard and perused the material available on record.

The petitioner sold his agricultural land to the de facto complainant and the de facto complainant issued two cheques for the sale consideration and entered into an agreement of sale. When deposited in the Bank, the said cheques were dishonoured and therefore, the petitioner filed CC Nos.378 and 379 of 2015 against the de facto complainant. Then, the de facto complainant paid the cheque amounts and therefore, the petitioner withdrew the CCs. Thereafter, the present case is lodged by the de facto complainant alleging that after payment of the amount under two cheques, the petitioner without giving his two cheques, harassing him; and basing on the said complaint, the present crime is registered.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and the respondents are investigating into the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits,

the 2nd respondent is directed to complete the investigation in the above crime 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 and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum, for his 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.

November 09, 2016
KTL

RAJA ELANGO, J



