

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35505 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner seeking to quash the FIR no.67 of 2016 on the file of the Dornal Police Station, Dornal, Prakasam District, registered against the petitioner for the offences under Sections 120-B, 420, 426 and 307 IPC.

Heard and perused the material available on record.

The 3rd respondent filed a private complaint against the petitioner alleging that he purchased a Goods Carrier by obtaining financial assistance, and gave it to the petitioner on rental basis requesting him to pay the rent amount to the finance company towards monthly installment. But, the petitioner did not pay the installments to the finance company. Therefore, the finance company sold the vehicle in auction at lower price and issued notice to the 3rd respondent to pay balance due amount of Rs.5,15,907/-, and thereafter, the petitioner went to the house of the 3rd respondent and tried to kill him. Therefore, the 3rd respondent filed the above case.

Learned counsel for the petitioner submitted that the 3rd respondent filed a false case against the petitioner and in fact, the 3rd respondent purchased the said vehicle in the year 2013 and after plying the same for some time, he sold it to the petitioner saying that he is regularly paying the installments to the finance company and after purchase of the same, the petitioner paid the balance installments. But, surprisingly, the finance company demanded the petitioner to pay the arrears pertaining to the year 2013, and therefore, by suppressing non-

payment of the installments, the 3rd respondent sold the said vehicle to the petitioner, and anticipating initiation of legal proceedings by the petitioner against him, the 3rd respondent filed the present case with all false allegations.

Considering the circumstances of the case and also the submissions of the learned counsel for the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

The 2nd respondent is directed to complete the investigation in Crime No.67 of 2016 of Donal Police Station, Prakasam District, 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 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.

RAJA ELANGO, J

October 21, 2016.
KTL

