

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40371 of 2016

ORDER:

The present writ petition is filed seeking to call for the records relating to Crime No.310 of 2016 of Hanamkonda Police Station, Warangal District, for the offences under Sections 420, 419, 467, 468, 471 and 506 r/w.34 IPC, and set aside the same.

The de facto complainant lodged a private complaint stating that the petitioners, with the help of other accused, opened a bank account in the name of a firm i.e. M/s.Moon Solutions, showing the de facto complainant as proprietor, and opened a current account with his forged signatures and a sum of Rs.40.00 lakhs were deposited in that account by some foreign companies and that the petitioners withdrew the said amount, by showing as if salaries are being paid to the employees of the firm, with a view to evade tax.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners are no way concerned with the alleged offences, and that that the said complaint was filed before the Magistrate, which was referred the police without following the procedure and that due to pendency of the above case, the police are threatening to arrest the petitioners.

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

The petitioners filed this writ petition challenging investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the facts and circumstances of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the respondents 2 and 3 are directed to complete the investigation and file a final report in the above Crime, in accordance with law, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum each for their appearance before the investigating officer as and when required, for the purpose of investigation.

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

RAJA ELANGO, J

November 22, 2016.
KTL

