

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37662 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 3rd respondent in registering Crime No.767 of 2016 for the offence under Section 420 IPC against the petitioner, as illegal and arbitrary.

The case in brief is that the de facto complainant is working as an Officer in Andhra Bank, SR Nagar Branch, Hyderabad. He made a complaint before the 3rd respondent stating that on 13.06.2016, one Smt. P.Vijaya Reddy, petitioner herein, presented a cheque for a sum of Rs.4,50,000/- and Smt. T. Naga Jyothi also presented a cheque for Rs.4,50,000/- for clearance. The cheque presented by the petitioner was returned, and the cheque of Smt. T. Naga Jyothi was cleared and inadvertently, the amount was credited to the account of the petitioner. The petitioner withdrew Rs.4,00,000/-. When Smt. Naga Jyothi approached the branch and wanted to withdraw the amount, the complainant realized the mistake and requested the petitioner to return amount, which was wrongly credited to her account. But, she paid only Rs.1,00,000/- and postponing the matter to repay the balance amount.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the 4th respondent acted negligently in crediting the amount into her account and though she repaid Rs.1,00,000/- and requested time to repay the balance amount, the 4th respondent lodged the complaint before the 3rd respondent and the 3rd respondent without going into the

merits, is trying to arrest her, and since the petitioner is a lady, stay of arrest may be granted.

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.

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, and since the petitioner is a lady, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, respondents Nos.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 petitioner. The petitioner is also directed to appear before the investigating officer concerned, as and when required, and cooperate with the investigation.

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

RAJA ELANGO, J

November 03, 2016.
KTL

