

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37777 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 4th respondent in interfering with day to day business of the petitioner and threatening to arrest him, basing on FIR No.88 of 2016 on the file of Station House Officer, Abids, Hyderabad, on the basis of the complaint lodged by the 5th respondent, as illegal and arbitrary, and consequently, direct the respondents 1 to 4 not to arrest the petitioner.

Heard and perused the material available on record.

The 5th respondent lodged a private complaint alleging that he entered into a lease agreement with A1 to run a canteen, two wheeler parking and four wheeler parking on a monthly rent of Rs.24,000/- in the Theatre owned by A1 by paying Rs.18.00 lakhs towards security deposit. Subsequently, due to the loss sustained by A1, he could not able to run the theatre, and closed down the same. The 5th respondent requested A1 to return his security deposit. But, A1 postponing the matter on one pretext or the other. On repeated requests by the 5th respondent, A1 paid an amount of Rs.1,80,000/- and told that he sold away his house property to the petitioner and other accused, and they will pay the remaining amount to him. But, the other accused did not pay the said amount. When the 5th respondent went and asked them to repay his amount, they refused to pay the same and abused and threatened him with dire consequences. The said complaint was referred to the 4th respondent, who inturn registered the above crime for the offences under Sections 406, 420 and 506 r/ w.34 IPC.

Learned counsel for the petitioner submitted that basing on the reference made by the learned Magistrate, the present case is registered and that the petitioner is no way concerned with the alleged offences and there are no specific allegations against him in the complaint, and initially, his name was not there in the FIR, but subsequently, in the remand report of A1 and A2, he was shown as A4 and that the 4th respondent is trying to arrest the petitioner.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered against the petitioner and others 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, respondents Nos.2 to 4 are 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 concerned and cooperate with the 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

November 04, 2016
KTL



