

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46038 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering case in FIR No.156 of 2016 on the file of Narsipatnam Police Station, Visakhapatnam District, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The offences alleged against the petitioner are under Sections 406, 420, 468 and 471 IPC. The petitioner was awarded Diet Contract at Area Hospital, Narsipatnam, Visakhapatnam, District, for supply of Diet to the in-patients. The allegation against the petitioner is that he claimed excess amount of Rs.3,43,004/- for diet bill by producing some forgery bills from March 2015 to May 2015.

It is the case of the petitioner that he never involved in misappropriation and forgery, and that basing on a news item published in the local newspaper by the persons, who are inimical to him, to defame him, the present complaint is lodged and that the petitioner is no way concerned with the allegations levelled against him.

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

The petitioner filed this writ petition challenging the 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

circumstances of the case, and the grievance of the petitioner, without expressing any opinion on merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above Crime in either way, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for his future appearance before the investigating officer concerned, as and when required for the purpose of investigation.

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

RAJA ELANGO, J

December 28, 2016.
KTL

