

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40821 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings against him in FIR No.437 of 2015 on the file of Pendurthy Police Station, Visakhapatnam.
2. Heard and perused the material available on record.
3. The above crime was registered for the offence under Sections 420, 406 and 506 r/w 120-b IPC. On reference of the private complaint to the police under Section 156(3) Cr.P.C., the above crime was registered. It is alleged that the complainant transferred amounts to the account of A1 and the petitioner, towards his share in the business of the 1st accused as A1 promised to share profits at 40% to the complainant. But the accused cheated the complainant. It is the grievance of the petitioner that the present complaint has arisen out of a business transaction between A1 and the complainant and that the petitioner is nothing to do with the said offence.
4. The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation in the above crime. However, taking into consideration the fact that the present complaint has arisen out of business transaction, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioner. The petitioner is directed to appear before the Station House Officer concerned as and when required and he is also directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with one surety for the like sum to the satisfaction of the Station House Officer concerned, as surety for his future appearance as and when required.

5. With the above direction, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 24th November, 2016
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