

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38630 OF 2016

ORDER:

The present writ petition under Article 226 of the Constitution of India is filed seeking to declare the action of the 2nd respondent in registering FIR No.184 of 2015 on the file of I-Town Police Station, Gudivada, Krishna District, against the petitioners and others, on the illegal report given by the 3rd respondent, and consequently, direct the 2nd respondent not to arrest the petitioners.

Heard and perused the material available on record.

The 3rd respondent lodged a complaint against the petitioners and others, alleging that they took a loan of Rs.2,90,00,000/- from the Andhra Bank, Gudivada Branch, Krishna District, agreeing to repay the same within three years with interest and thereafter, failed to repay the same, even though the notices were sent to them, and thereby, cheated the bank.

The grievance of the petitioners is that they have no knowledge about the said crime and that they have signed on the blank guarantee papers, that the 3rd respondent has already filed O.A. No.206 of 2014 before the Debts Recovery Tribunal, Visakhapatnam, and intentionally lodged the present complaint and implicated the petitioners also with a view to harass them.

Learned Assistant Government Pleader submitted that on the basis of the complaint, the above crime was registered against the petitioners and others and the respondents are investigating the matter in accordance with law.

Considering the facts and circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, the 2nd respondent is directed to complete the investigation in the above crime, and file a final report, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned, and execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

November 09, 2016.
KTL



RAJA ELANGO, J