

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46879 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.271 of 2015 of Humayun Nagar Police Station, Hyderabad against the petitioner.

Heard and perused the material available on record.

Case of the petitioner is that the 4th respondent filed a private complaint against him before the XII Additional Chief Metropolitan Magistrate, Hyderabad and the same was referred to the police for investigation under Section 156(3) Cr.P.C.; that the 3rd respondent registered the same as the above crime for the offences punishable under Sections 420, 406, 409, 426 and 120(B) r/w.34 IPC and 5 of AP Protection of Depositors of Financial Establishments Act, 1999; that the he is no way concerned with the offences alleged against him and with a malafide and mischievous motive, the 4th respondent implicated him in the present case; that the complaint does not contain any incriminating material; and respondent No.3 is trying to arrest him without following the due process of law.

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

Considering the facts and circumstances of the case and the grievance of the petitioner and in view of the fact that the petitioner is ready to cooperate with the investigation, without expressing any

opinion on merits, this Court is of the view that the above crime can be investigated into without arresting the petitioner.

Accordingly, the 3rd respondent is directed to complete the investigation in the aforementioned crime and file a final report, in accordance with law in either way, without arresting the petitioner. The petitioner is directed to appear before the investigating officer concerned, daily between 9.00 am and 5.00 pm, for a period of fifteen (15) days, and also execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the like sum for his appearance as and when required for the purpose of investigation.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

January 06, 2017
KTL

RAJA ELANGO, J



