

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.478 of 2017

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records in connection with Crime No.153 of 2011, pending on the file of Tanuku Town Police Station, West Godavari Districts, and to declare the action of the 3rd respondent in trying to arrest the petitioner, as illegal and arbitrary and consequently, quash the proceedings in the above case.

Heard and perused the material available on record.

The case in brief is that the 4th respondent lodged a complaint alleging that one Ungarala Brahmandanam –accused took mortgage loan by producing fake documents and that the petitioner sanctioned the loan without verifying the documents. The grievance of the petitioner is that the he sanctioned the loan as per the procedure of the Bank basing on the opinion of the bank panel advocate and also the report of the valuer, and that he never involved in any fraud.

The learned Assistant Government Pleader submitted that on the basis of the complaint, a case was registered, 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, 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 and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a 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 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.

January 04, 2017.
KTL



RAJA ELANGO, J