

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.680 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents in registering FIR No.386 of 2016 on the file of Station House Officer, Arilova Police Station, Visakhapatnam District, as illegal and arbitrary.

Heard and perused the material available on record.

The offence alleged against the petitioner is under Section 420 r/w.34 IPC. It is alleged that the wife of the petitioner is working in GVMC UCD Department and by saying that she will help them in providing JNNURM House of GVMC, they took huge amounts from the de facto complainant and others, by giving promissory notes. It is the case of the petitioner that he is no way concerned with the offence alleged against him.

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

The petitioner filed this writ petition challenging 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 facts and circumstances of the case, 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 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 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 as and when required for the purpose of investigation.

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

January 05, 2017
KTL

RAJA ELANGO, J

