

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.34026 & 43525 of 2016

COMMON ORDER:

These two writ petitions under Article 226 of Constitution of India are filed by the same petitioner questioning the registration of case in Crime No.145 of 2016 on the file of Station House Officer, Medipally Police Station, Cyberabad District and also issuance of notice under Section 41(A)(1) of Cr.P.C. dated 10.12.2016 respectively.

The de facto complainant in the above crime filed a private complaint alleging that subsequent to cancellation of agreement of sale-cum-GPA, the petitioner sold some of the plots in favour of third parties, and on reference of the same by the Magistrate concerned, the Station House Officer, Medipally Police Station registered a case against the petitioner herein in Crime No.145 of 2016 for the offences punishable under Sections 420, 426, 447, 468 and 506 IPC. The grievance of the petitioner is that all the allegations levelled against him in the complaint are false and the respondents-police without ascertaining the genuineness of the same, registered the F.I.R. and proceeding with the investigation and trying to arrest the petitioner and also issued the notice under Section 41(A)(1) of Cr.P.C.

The learned Assistant Government Pleader for Home submitted that since a private complaint is lodged and referred by the magistrate concerned, the present F.I.R. is registered against the petitioner in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate with the investigation, but, however, he is apprehending arrest and harassment in the hands of respondents-police.

Considering the facts and circumstances of the case, the respondents-police are directed to complete the investigation in Crime No.145 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law. The petitioner is directed to appear before the investigating officer as and when required during the course of investigation.

Accordingly, the writ petitions are disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

02.01.2017.
Tsr



RAJA ELANGO,J

