

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.10532 of 2017

ORDER

This writ petition is filed challenging registration of Cr.No.95 of 2017 by the 2nd respondent based on the complaint filed by the 3rd respondent before the learned Magistrate.

The XXIII Metropolitan Magistrate, Rajendranagar, Cyberabad, referred the complaint lodged by the 3rd respondent, to the 2nd respondent for investigation.

It appears, petitioners 1 and 2 are accused in Cr.No.286 of 2016 and after registration of the said crime, they got involved in another transaction, for which the present crime was registered.

Learned counsel appearing for the petitioners submits that in respect of the very same allegations levelled in Cr.No.286 of 2016, the present crime was also registered.

A reading of the present complaint does not show that Cr.No.95 of 2017 was registered based on the same allegations. Cr.No.286 of 2016 was registered on 19.9.2016 and thereafter, the accused got executed a rectification document bearing No.11619 of 2016, on 7.10.2016 and therefore, it is a fresh cause of action.

In the circumstances, this Court is not inclined to entertain the present writ petition. However, the 2nd respondent is directed to follow due process of law while investigating Cr.No.95 of 2017 including compliance of provisions under Section 41-A of the Criminal Procedure Code.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

24th March, 2017
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