

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.45771 of 2016

ORDER

Challenging the action of the 4th respondent in implicating the petitioners as accused Nos.2 and 3 in Cr.No.259 of 2016 of Central Crime Station, Basheerbagh, Hyderabad, the present writ petition is filed.

The petitioners, who are wife and husband, state that they are conducting real estate business through a company viz., M/s VSS Projects Private Limited. For constructing 21 flats in the name and style of "VSS Nandadeep", they have taken a loan of Rs.5 crores from M/s.DHFL by mortgaging some of their properties along with 18 flats in "VSS Nandadeep". Due to the slump in the real estate and bifurcation of the State, they could not repay the instalments. As the 5th respondent intended to advance a loan of Rs.2.50 crores, the petitioners were directed to deposit five blank un-dated cheques, promissory note and also a receipt. On deposit of the said documents, the 5th respondent gave demand draft in the name of M/s.DHFL and on receipt of the said amount, M/s.DHFL released the original documents on 12.4.2016. The 5th respondent asked the petitioners to get the title and original documents, numbering 21 for verification and accordingly, the same were handed over to him. When the petitioners requested the 5th respondent for return of the said documents in order to sell the

flats and pay back the money due to him, the 5th respondent refused to return the same and pressurized them to enter into an agreement of sale. Then the petitioners informed the bank not to honour the cheques. As the 5th respondent continued the harassment, the petitioners gave a complaint to the Station House Officer, Kachiguda Police Station, Hyderabad, on 1.12.2016, but the same was not registered. While so, the 4th respondent issued a notice to the petitioners on 6.12.2016 directing them to appear before him to answer the questions in connection with the complaint lodged by the 5th respondent. The petitioners came to know that at the instance of the 5th respondent, Cr.No.259 of 2016 was registered. Challenging the said registration of the crime, the present writ petition was filed.

Learned counsel appearing for the petitioners submits that the petitioners were issued notice under Section 41-A of the Criminal Procedure Code and that they will co-operate with investigation of the crime. He further submits that separate proceedings are being taken up before the competent criminal Court for registration of the private complaint against the 5th respondent.

In view of the aforesaid circumstances, it cannot be said that registration of Cr.No.259 of 2016 based on the complaint given by the 5th respondent, is bad.

Accordingly, the Writ Petition is disposed of directing the 4th respondent to conduct investigation into the crime only in accordance with law. It is also open to the petitioners to approach the 4th respondent for registration of the complaint made on 1.12.2016, if the same is not registered so far. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

28th February, 2017
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