

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46646 of 2016

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the attempts of the 2nd respondent to detain the petitioners under the guise of investigation in Crime No.295 of 2016, registered against the petitioners, as illegal and arbitrary and consequently to direct the 2nd respondent not to arrest the petitioners under the guise of investigation.

Heard and perused the material available on record.

The 3rd respondent filed a private complaint before the learned XIII Metropolitan Magistrate, Cyberabad at L.B. Nagar, which was referred to the 3rd respondent under Section 156(3) IPC and the 3rd respondent registered the said complaint as FIR No.295 of 2016 on 19.10.2016 for the offences under Sections 420, 406 read with 34 IPC & 120 IPC and Section 156(3) Cr.P.C. against the petitioners. It is alleged in the above said complaint that the 3rd respondent took distribution of milk from the petitioners by depositing an amount of Rs.2,50,000/- refundable on 16.03.2015 and that on 11.06.2015, when the 3rd respondent intended to cancel the distribution on personal reasons and informed the same to the petitioners, the petitioners relieved the 3rd respondent on 16.07.2015 after engaging a new distribution, but the petitioners did not pay back the deposit amount of Rs.2,50,000/- including interest and that on 19.10.2015, the petitioners gave a cheque of Rs.1,26,561/- excluding/maintaining outstanding of empty crates. It is further alleged that the petitioners falsely claimed amount from the deposit of the 3rd respondent and cheated him.

The main grievance of the petitioners is that the 2nd respondent is making attempts to detain the petitioners under the guise of investigation in Crime No.295 of 2016.

Considering the said facts and circumstances, the 2nd respondent is directed to complete the investigation in Crime No.295 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety each to the satisfaction of the Investigation Officer concerned as surety for their future appearance for the purpose of investigation.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 2nd January, 2017

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RAJA ELANGO,J