

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.40327 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the 3rd respondent in registering Cr.No.100 of 2016 under Sections 420 and 506 IPC against the petitioners.

2. 1st petitioner states that she married the 2nd petitioner, who alleged to have been doing paddy business. It is her further case that on 01-11-2016, two constables of Rentachintala Police Station came to her house and took away her husband stating that he was an accused in one crime. When the 2nd petitioner was not released, she filed W.P.No.38506 of 2016 before this Court on 08-11-2016. She learnt that her husband was produced before the II Additional Junior Civil Judge, Gurajala. He was enlarged on bail on 09-11-2016. She alleges that her husband's signatures were taken on four blank papers and the particulars of her husband were also taken. In connection with the signatures taken on blank papers, a notice was issued to the 3rd respondent on 11-11-2016. She finally stated that the 4th respondent was made to give a complaint against the 2nd petitioner by mis-using signatures obtained on four blank papers.

3. A counter-affidavit is filed by the respondents 1 to 3 denying the allegations. The Superintendent of Police, Guntur Rural District states that Cr.No.100 of 2016 was registered on 10-11-2016 on the complaint filed by the 4th respondent and the same is under investigation. The 2nd petitioner was already an accused in Cr.No.91 of 2016 registered on 16-10-2016 based on the complaint of one B.Nageswara Rao and he was arrested on 08-11-2016.

4. A reading of the present complaint shows that the 2nd petitioner used to purchase paddy from the 4th respondent. He used to work as an agent and in that connection, there were some financial transactions. The complainant-4th respondent states that in connection with the paddy transaction, an amount of Rs.2,16,000/- was due from the 2nd petitioner and when he was asked to pay the said amount, he was being threatened. Taking the above complaint into consideration only, the 3rd respondent registered a case under Sections 420 and 506 IPC.

5. In view of registration crime, this Court does not want to interfere with the investigation. In this case, investigation is said to be pending. The 2nd petitioner is already an accused in another crime. In the circumstances, no interference can be made with regard to registration of Cr.No.100 of 2016. However, the 3rd respondent is given liberty to conduct investigation, but only in accordance with law.

6. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 28-02-2017

Hsd