

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.464 of 2017

ORDER:

The petitioner filed this Writ Petition by invoking the provisions under Article 226 of the Constitution of India, seeking to call for the records pertaining to FIR No.37 of 2015 pending on the file of Central Crime Station, DD, Hyderabad, and quash the same.

Heard and perused the material available on record.

The case in brief is that the petitioners and other accused availed term loan facility with the de facto complainant by executing various documents including tripartite agreement. Thereafter, they became defaulters in repaying the EMIs, therefore, the de facto complainant enquired into the matter and it came to know that the tenants never executed any documents and the tripartite agreements and hence, the above case is registered against the petitioners on the ground that they obtained term loans by producing forged documents and cheated the bank.

Learned counsel for the petitioners submitted that the allegations made against the petitioners are absolutely false and they never indulged in any such acts and A1 is looking after the affairs of their business and except signing on the papers as desired by A1, they have no role in the business, and hence, he requested to quash the proceedings against them.

Learned Additional Government Pleader for Home submitted that basing on the complaint, the above case is registered against the petitioner and others and the police concerned are investigating into the matter.

The petitioners filed this writ petition challenging the investigation in the above crime. Even though this Court is not inclined to interfere with the investigation in the above crime, taking into consideration the circumstances of the case, and the grievance of the petitioners, this Court is of the view that the above crime can be investigated into, without arresting the petitioners.

Accordingly, the 2nd respondent is directed to complete investigation and file a final report in the above Crime, in accordance with law in either way, without arresting the petitioners. The petitioners are also directed to appear before the investigating officer concerned and execute personal bond for a sum of Rs.5,000/- (Rupees five thousand only) each with one surety for the like sum each for their future appearance before the investigating officer as and when required for the purpose of investigation.

With the above directions, the Writ Petition is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

January 04, 2017
KTL

RAJA ELANGO, J