

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Writ Petition No.981 of 2017

ORDER :

Heard the learned counsel for the petitioners/ A.1 and A.2 and the learned Govt. Pleader for Home for respondents 1 and 2, the R.3-defacto-complainant served failed to attend, perused the prayer in the writ petition with the supporting affidavit and the material on record.

2. The prayer in the Writ Petition reads as follows:

“to issue a writ order or direction more particularly in the nature of writ of Mandamus Declaring The action of the_ 2nd Respondent in registering crime vide FIR No 158 of 2016 dt.09-12-2016 on the file the Police Station Alladurg Medak District for the offence Under Sec 420, 406 of IPC against the Petitioners/Accused Nos 1 & 2 as illegal arbitrary and against the provisions of Indian Penal Code 1860 and violative of the fundamental rights guaranteed under Articles 19 & 21 of the Constitution of India and consequently directing the Respondent No 2 not to arrest the Petitioners/Accused Nos 1 & 2 in the above crime pending disposal of main writ petition and pass such other order or orders.”

It is the submission of the petitioners that they are innocent and they never committed any offence and it is a false accusation in the name of the defacto-complainant from the differences with some of the persons in the village with the petitioners and the proceedings in the FIR surpa are liable to be quashed.

It is the submission of the learned Govt. Pleader that the Crime is registered and investigation is in progress and one of the statements recorded during investigation discloses that the defacto-complainant stated as he did not give report to the police to register the crime. In fact, the very enquiry conducted by the Asst. Superintendent of Police, Sanga Reddy Sub Division from the report, dt.14.12.2016 clearly shows during the demonetization, old currency was in circulation before the cut off date, and at request of the pensioners for urgent medical purpose, they were provided old currency notes

but the petitioners herein did not circulate any tainted currency and they committed no offence.

Having regard to the above, the writ petition is allowed quashing the FIR in Cr.No.158 of 2016 pending with the Station House Officer, Alladurg police station of Medak district for the offences punishable u/ sec.420 and 406 IPC. Their bail bonds shall stand cancelled.

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

Date:16.04.2018
vvr

Dr. B.SIVA SANKARA RAO J,

