

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.4574 of 2019

ORDER:

This writ petition is filed alleging that the Detective Inspector of Police, Banjara Hills Police Station, Hyderabad-3rd respondent is illegally demanding the petitioner to pay a sum of Rs.3,93,895/- for the second hand vehicle purchased by the petitioner.

2. According to the petitioner, petitioner purchased second hand vehicle by name 'Toyota Fortuner' bearing Registration No.TS 09 EV 2204 on payment of valid consideration. Petitioner was served with notice under Section 160/91 of Cr.P.C. dated 12.11.2018 by the 3rd respondent police. By this notice, petitioner was informed that during the course of investigation, the accused persons by name Akash Goud, Samuel John @ John @ Samu, Dasari Ramesh and Jaya Simha confessed that the petitioner obtained the crime vehicle from the Accused persons cheating the amount taken from the complainant.

3. It appears that Sri G.Venkat Reddy lodged a complaint with the police, alleging that the persons named therein have taken money from him to provide two Toyota Innova Crysta Cars and one Toyota Fortuner at 30% less than the market value. Believing them, though amounts were paid, Cars were not delivered and whereabouts of those persons were also not known.

4. This Court is not expressing any opinion on the issue and the nature of complaint filed by the complainant, registration of crime and the investigation taken up by the police. However, apparently from a reading of the letter addressed by the 3rd respondent-Detective Inspector, Banjara Hills Police Station, Hyderabad to the Bank Manager, requesting to deposit case property and the objections filed by the petitioner to the said letter, which was received

on 12.2.2019 would show that the petitioner was not agreeing to pay any amounts and according to the petitioner, a valid transaction was made and consideration as required was paid for purchase of vehicle, therefore, the question of depositing the money does not arise.

5. As can be seen from F.I.R.No.395 of 2018, the allegation was against the persons named therein alleging doping the complainant in not delivering the vehicles as promised and that their whereabouts are not known. No complaint was lodged against the petitioner. Apparently petitioner is linked to the said episode as he has purchased the second hand vehicle from the same company to whom the amounts were paid by the complainant. The complainant is no way concerned with the vehicle purchased by petitioner. Further, it appears, petitioner purchased the said vehicle prior to registration of crime. If that being so, the action of the Respondents in insisting the petitioner to deposit the money is not in accordance with law, therefore, the same is declared as illegal. However, it is needless to observe that the police are required to investigate into the crime and file final report before the competent Court and it is for the competent Court to take cognizance of the offence reported and commit the case for trial.

6. The writ petition is accordingly allowed. However, it is made clear that there is no expression of opinion by this Court on the nature of crime reported and the investigation that is required to be carried out by the police. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 1.4.2019
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