

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CRIMINAL PETITION No.7114 of 2015

Between:

Polineni Madhu Babu and another

... Petitioners

and

Medasani Subba Rao and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7114 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.1 and 2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.654 of 2014 of Arundalpet Police Station, Guntur Urban, Guntur District registered for the offences punishable under Sections 406, 420 and 506 I.P.C.

2) Heard the learned counsel for the petitioners and the 2nd respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 1st respondent and perused the material on record.

3) A perusal of the record shows the material falls short for quashing the proceedings under Section 482 Cr.P.C though there are factual matrix to say subsequent to the alleged embezzlement in the end of 2013 there was a fresh partnership between the defacto-complainant and the accused but while retire accused No.2 among others on 29.11.2014 that is not made a mention in the complaint which according to the accused a suppression of fact, though the 1st respondent says it is not material to mention apart from Clause 14 of the said fresh partition deed of arbitration clause of any dispute between the parties whether that tantamounts to offence is premature for this

Court to decide including of the merits of the matter as to attracting any of the penal consequences and sustainability of the criminal prosecution but for the investigation shall go on.

4) Having regard to the above, the petition is disposed of while directing investigation shall go on fairly and permitting the petitioner to file additional material, if any, before the investigating officer to form part of the investigation record. In this background of the case, the petitioners are entitled to concession of bail rather than blanket order of not to arrest, the petitioners are given liberty to surrender before the learned Magistrate and move regular bail with notice to the A.P.P concerned and the learned Magistrate, after hearing, shall grant bail on the same day with necessary conditions. The learned Magistrate can dispense with the presence of the accused at post bail stage pending investigation before the Court. Further remedies, if any, are left open in the event of filing charge sheet for any of the offences and any cognizance taken by the learned Magistrate.

5) With the above observations, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.11th August, 2015

N.B: Issue copy by two days.

(b/o) KSH