

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Petition No. 3674 of 2015

Order:

The instant petition is filed under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner, who is arraigned as sole accused, who alleged to have committed the offences punishable under Sections 342, 354-A and 506 IPC, requesting to quash the FIR No.58 of 2015 of Police Station Nampally, Hyderabad, which was registered on the complaint of the second respondent herein.

2. The facts, as reflected from the FIR, are that the second respondent and the petitioner are close relatives. The petitioner is working as Correspondent of Sri Chaitanya Colleges Head Office, Shanthi Nagar, A.C. Guards, Hyderabad, and it is alleged that the petitioner borrowed a sum of Rs.4,00,000/- as hand loan from the second respondent in the year 2010 promising to return the same within a month, but failed to keep up his promise. When the second respondent along with her husband went to College Head Office at AC Guards and demanded the petitioner to refund the money, he alleged to have abused her and her relatives in an unparliamentary language and with the help of his office staff got closed the office doors and caught hold of her hand, dragged her and broken her bangles and threatened to kill her, if she again asks money and that she apprehends life threat in the hands of the petitioner.

3. Heard both sides.

4. Learned counsel for the petitioner submits that, in fact, no such incident at all has occurred and, on the other hand, the second respondent herself borrowed a sum of Rs.15,00,000/- from the petitioner and executed a promissory note there for and, with a view to evade the payment, she got falsely implicated the petitioner in the instant case. He has also drawn the attention of this Court to page '10' of the material papers, which is Photostat copy of promissory note, dated 21.08.2012, containing the signature of the second respondent. It is also his submission that the daughter's marriage of the petitioner is scheduled to take place on 30th of this month and with a *mala fide* intention he is implicated in the instant case.

5. The request of the petitioner to quash the FIR is opposed by the learned Assistant Public Prosecutor.

6. Irrespective of the genuineness or otherwise of the promissory note said to have executed by the second respondent in favour of the petitioner for Rs.15,00,000/- as referred to by the learned counsel for the petitioner, it is desirable to dispose of the petition itself as the allegations mentioned in the FIR, *prima facie*, sufficient to proceed with the investigation by the concerned investigating agency, however, keeping in view that relevant details are not forthcoming as to the date on which Rs.4,00,000/- was said to have been lent, except the year being mentioned as 2010, a direction can be given to the concerned police directing them not to arrest the petitioner during the course of investigation, with a further direction that the petitioner shall co-operate with the

investigating agency and enable the investigating agency to complete the investigation.

7. Accordingly, the Criminal Petition is disposed of.

8. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 28.04.2015

Note:

Issue CC by tomorrow

(B/O)

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