

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.3617 of 2015

ORDER:

The instant petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings, in Crime No.22 of 2015 of Proddatur III Town Police Station, YSR Kadapa District, for the offences punishable under Sections 420 and 464 IPC, levelled against the petitioners, who are accused Nos.1 and 2, being son and mother respectively, on the complaint of the second respondent.

Facts would reveal that the petitioners borrowed a sum of Rs.80.00 lakhs promising to pay within eight months by executing an agreement but, later, they evaded even after a lapse of eight months causing wrongful loss and wrongful gain to themselves, and terms were also entered into to the effect that the second respondent shall resort to both civil and criminal proceedings so far as the said borrowal is concerned.

Heard both sides.

Learned counsel for the petitioners submitted a photostat copy of the agreement at the time when arguments are tendered.

Be that as it may, keeping in view, that there is material sufficient prima facie to investigate into the allegations at this stage, the police are directed to resort to the procedure, under Section 41-A Cr.P.C., as per the guidelines of the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar.

The Criminal Petition is, accordingly, disposed of.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of.

A. SHANKAR NARAYANA, J

Date:01.05.2015

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