

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2356 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 to A-3 in Crime No.369 of 2015 of Visakhapatnam II Town Police Station, Visakhapatnam, registered for the offences punishable under Sections 447, 342 and 506 read with Section 34 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

It is alleged in the complaint that there was an agreement between the petitioners and the 2nd respondent regarding shutters outside Viyaan Silks to do business relating to one gram gold/ bentex, handbags, lady accessories etc. for a period of three years and that as there was some disturbance to his business from the petitioners, the 2nd respondent approached the civil court and obtained an injunction order. It is further alleged that knowing fully well about the injunction the order, the petitioners have entered into the 2nd respondent's store and taken away the stocks worth Rs.30.00 lakhs and when he questioned about the said act, the petitioners 2 and 3 tried to push him and his staff from the store, abused him in filthy language and threatened him with dire consequences. On a complaint given by the 2nd respondent, the police of II Town Police Station, Visakhapatnam registered the same as Crime No.369 of 2015.

A bare perusal of the material on record would reveal that the offence occurred arising out of a civil dispute pending between the petitioners and the 2nd respondent in a competent civil court in

respect of their business transactions. More so, the offences alleged are not serious in nature. The truth or otherwise of the allegations made in the complaint can be determined during the course of investigation and the same cannot be determined at the threshold. It is not as though the investigation is completed and filed the charge sheet.

Considering the facts and circumstances of the case, this Court is of the view that it is not a fit case where the proceedings can be quashed invoking the jurisdiction under Section 482 Cr.P.C. However, since the petitioners are apprehending of their arrest in view of pendency of the present crime, the II Town Police, Visakhapatnam, is hereby directed to complete the investigation without arresting the petitioners and final the report in the court. The 2nd respondent is at liberty to take recourse to appropriate remedy against such final report if he is aggrieved to do so.

Accordingly, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 24-02-2016

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