

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9753 of 2016

ORDER:

This petition under Section 482 Cr.P.C. is filed by the petitioners/A.1 and A.2 seeking to quash the proceedings in F.I.R.No.110 of 2016 on the file of Ponnur Town Police Station, Guntur District, registered for the offences punishable under Sections 452, 354, 323, 420, 406, 506 read with 34 IPC and Section 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the petitioners/A.1 and A.2 and learned Additional Public Prosecutor representing the State.

3. The allegations in the complaint would go to show that the complainant's brother's son by name Jasti Sridhar is staying in USA and he is native of Guntur District. The accused persons are also residing in USA for more than a decade. While the accused are staying in USA, with a *mala fide* intention to cause wrongful loss to the said Sridhar and for wrongful gain for themselves, A.1 made believe said Sridhar and taken nearly 5000 US dollars through cheques and by way of cash. When the said Sridhar used to demand the accused to return the said amount, the accused promised to return the amount, but the accused intentionally avoided payment to the said Sridhar. The said Sridhar authorized the complainant to collect the amount from the accused. Accordingly, the complainant demanded the accused to return the said amount. The accused promised to pay the said mount but postponing the same on one pretext or the other. On 27.04.2016 at about 1:00 PM the accused and some others criminally trespassed into the house of the complainant and abused him in filthy language and A.1 also beat him with hands and legs.

4. As per the complaint, there are serious allegations against the petitioners. Truth or otherwise of the allegations in the complaint can be ascertained by the investigating agency during the course of investigation. Therefore, this Court is of the considered view that this is not a fit case to quash the proceedings against the petitioners. However, considering the facts and circumstances of the case, the police concerned are directed to proceed with the investigation without arresting the petitioners/A.1 and A.2 till the investigation is completed.

The petitioners/A.1 and A.2 are directed to appear before the investigating agency as and when required and cooperate with the investigation of crime.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

Date: 08.07.2016

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