

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5020 OF 2016

ORDER:

This petition is filed by the petitioner-accused No.1 represented by its Managing Director, under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.320 of 2015 on the file of the Judicial First Class Magistrate, Guntakal, Anantapur District.

Heard and perused the material available on record.

It is alleged that the petitioner is the dealer of Bajaj Motor Cycles. The 2nd respondent purchased Bajaj Two wheeler Motor cycle for Rs.60,000/- from the authorized dealer of the petitioner and he made down payment of Rs.30,330/- and it was agreed to pay the remaining balance by taking loan from Bajaj Finance. The 2nd respondent hypothecated the vehicle. A2 used to collect instalments from the 2nd respondent. The 2nd respondent cleared off the loan amount on 20th December, 2012. In spite of repeated requests, A1 and A2 failed to issue final clearance certificate. A1 and A2 cheated the 2nd respondent. The Bajaj Finance people have been troubling the 2nd respondent to clear off the loan amount.

Considering the facts and circumstances of the case and the allegations made against the petitioner, this Court is not inclined to grant the relief sought by the petitioner. However, the 1st respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioner-A1 viz., its Managing Director. In the event of necessity, the 1st respondent-police are directed to issue a notice to him to appear before the investigating agency for the purpose of investigation. On issuance of such notice, he is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently,
miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 12.4.2016
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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 12.4.2016

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