

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3799 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure, 1973 by the petitioner/accused seeking to quash the proceedings in F.I.R.No.123 of 2016 on the file of Khanapur (H), Khammam District.

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Sections 420 and 506 I.P.C. and Sections 3(1)(x) and (xv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Admittedly, the case was registered basing on a reference made by the Magistrate invoking the provision under Section 156(3) Cr.P.C. The learned Magistrate has also not followed the procedure as per the guidelines of the Apex Court. Further, it is evident from the record that the crime arose out of some money transactions between the parties.
The truth or otherwise of the said allegations can be ascertained by the Investigating Agency during the course of investigation. Therefore, this Court is not inclined to interfere with the proceedings against the petitioner in the above crime.
5. At this stage, learned counsel for the petitioner submitted that in view of the pendency of the above crime, the petitioner is apprehending arrest and also harassment in the hands of police.
6. In view of the above submission, the police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the police are

directed to issue notice to the petitioner for his appearance before the Investigating Agency for the purpose of investigation. On issuance of such notice, the petitioner shall appear before the Investigating Agency and give an undertaking as to his future appearance as and when required by the Investigating Agency for the purpose of investigation.

7. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

21.3.2016

AMD

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