

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3335 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in Crime No.142 of 2016 of Penamaluru Police Station, Vijayawada City, Krishna District, registered for the offences punishable under Sections 452, 354 and 506 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material on record.

It is alleged that on 01-03-2013 at 3.00 P.M., the petitioner/accused came to the house of the 2nd respondent/*de facto* complainant and asked her to transfer her agricultural land by way of G.P.A. in lieu of repayment of money borrowed from him, for which the *de facto* complaint was not agreed, and as a result of such refusal, the petitioner/accused caught hold of her hand, pulled her saree and tried to take her forcibly into his car for obtaining her signatures and threatened her with dire consequences.

It appears that the alleged incident took place arising out of money transaction between the petitioner/accused and the *de facto* complainant. Even if the allegations of the complaint are taken at their face value and accepted in its entirety, *prima facie*, a case is made out against the petitioners, the truth or otherwise of which can be necessarily ascertained during the course of investigation and the same cannot be decided at this stage.

Having regard to the facts and circumstances of the case and in view of nature of the offences alleged are serious in nature,

this Court is not inclined to interfere with the proceedings. However, in view of the submission of the learned counsel for the petitioner that the petitioner/accused is apprehending arrest due to pendency of the crime, the police concerned are directed to complete the investigation without arresting the petitioner/accused and file final report, if any, before the concerned Court in accordance with law. In the event of necessity, the police concerned are at liberty to issue a notice to the petitioner for the purpose of investigation and on receipt of such notice, the petitioner shall appear before the police. In the event of failure on the part of the petitioner/accused to appear before the police, the police are at liberty to approach this Court for recalling the present order.

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

RAJA ELANGO, J

Date: 15-03-2016

—
Ksn