

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition Nos.2218 and 2532 of 2016

COMMON ORDER:

Since the issue involved in both the cases is similar and identical, they are being disposed of by this common order.

These two Criminal Petitions are filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/accused in Crime No.14 of 2016 of Wardhannapet Police Station, Warangal District registered for the offences punishable under Sections 406, 420, 465, 466, 467, 471, 473 and 474 read with Section 34 IPC.

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

Admittedly, a case in Crime No.14 of 2016 was registered for the alleged offences on the basis of a complaint lodged by the Branch Manager, Andhra Bank, Ellanda Branch, stating that the petitioners/ who are farmers, have availed crop loans from the Andhra Bank, Ellanda Branch, on furnishing of their pattadar pass books/title deeds and the then Branch Manager sanctioned the said loans nearly to 236 farmers during the months of September and October, 2015. It is further alleged that on publishing of a news item dated 31-10-2015 in Saakshi Telugu daily that some of the farmers have obtained crop loans by submitting fake pattadar pass books/title deeds/ pahanies, the Branch Manager, after due enquiry into genuineness of the title deeds/pahanies, noticed that the petitioners, who are farmers, have obtained the loans by submitting fake documents, and thus, cheated the bank.

The main grievance of the petitioners in both the cases is that they are agriculturists and are absolute owners of their respective lands. They obtained crop loans by submitting pahanies issued by the concerned Tahsildar and the same are genuine one. It is the further case of the petitioners that after availing crop loans, they raised crops and for continuation of agricultural operations, their presence is very much necessary and that if they are arrested, it would cause heavy loss to their agricultural operations.

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 investigation and the same cannot be decided at this stage.

Considering the facts and circumstances of the cases, the Wardhannapet Police are directed to complete investigation into the crime without arresting the petitioners/accused herein and file final report, if any, before the Court. The petitioners/accused herein are directed to appear before the police as and when required for the purpose of investigation and to produce all the documents, which are relevant, to substantiate that they are owners of their respective lands. In the event of the petitioners/accused herein failed to appear as directed, the police are at liberty to approach this Court for arrest of the petitioners/accused herein by filing appropriate application.

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

RAJA ELANGO, J

Date: 08-03-2016

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