

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1369 OF 2016

ORDER:

1. This Criminal Petition is filed under Section 482 of Code of Criminal Procedure by the petitioners-A1 to A7 seeking to quash the proceedings against them in Crime No.165 of 2014 on the file of Pamuru Police Station, Prakasam District, registered for the offence punishable under Sections 403, 406, 408, 409, 418, 420, 424, 191 and 379 r/w 34 IPC.

2. Heard the learned Counsel for the petitioners-accused and the learned Public Prosecutor and perused the material available on record.

3. The allegation against the petitioner is that the petitioners and the complainant did a joint business and in the said business, the accused misappropriated an amount of Rs.1,46,28,378/- and cheated the complainant without paying his share amount of profit in the joint business and the accused also committed theft of leaves of the cheque book of the complainant and filed false criminal cases against him.

4. It is the case of the petitioners that the 2nd respondent-complainant filed a false private complaint against the petitioners as a counter-blast to the complaints filed by some of the petitioners against him under the Negotiable Instruments Act. It is also the case of the petitioners that the learned Magistrate referred the private complaint filed by the 2nd respondent under Section 156(3) Cr.P.C. without perusing the allegations of the complaint, which are civil in nature and without following the judgment of the Apex Court.

5. All the grounds raised by the petitioners before this Court are the factual aspects which require investigation. Therefore, this Court is not inclined to interfere with the proceedings in the above FIR.

6. However, considering the facts and circumstances of the case, the 1st respondent-police concerned are directed to complete the

investigation without arresting the petitioners. In view of the earlier complaints and the pendency of litigations between the parties, the Investigating Officer concerned is directed to collect all the material produced by the complainant as well as the petitioners and conduct investigation and file a final report in accordance with law on or before 30.3.2016. The petitioners are also directed to appear before the Investigating Agency as and when required and to cooperate with the Investigating Agency.

7. With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

Date: 15.2.2016

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