

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1227 OF 2014

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners-accused Nos.1 to 3 seeking to quash proceedings in FIR No.45 of 2014 of Machavaram Police Station, Vijayawada, Krishna District, registered for the offence under Section 420 IPC.

It is the case of the petitioners that complaint does not disclose any offence under Section 420 IPC and further more, the de facto complainant has already approached the Court by way of filing a case for the offence under Section 138 of the Negotiable Instruments Act and also by invoking provisions under SARFAESI Act. Apart from that, the present complaint is also filed only with an intention that the police should arrest the petitioners and harass them and in view of pendency of the above crime, the petitioners are apprehending arrest and harassment in the hands of police.

Heard and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offence alleged against the petitioners, this Court is not inclined to interfere with the proceedings against the petitioners. However, in view of the submission of the learned counsel for the petitioners that the petitioners are apprehending arrest in view of the pendency of the above crime and as the 2nd petitioner is also a lady and also considering that the entire case arises out of some business transactions between the petitioners and the de facto complainant, the police concerned are directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. During the course of investigation,

if the police desire to enquire the petitioners, they can be called to the police station by issuing proper notices and on receipt of such notices, the petitioners are directed to appear before the police and produce all the relevant documents to substantiate their case and cooperate with the investigation.

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

RAJA ELANGO, J

February 18, 2016.

KTL