

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2848 OF 2016

ORDER:

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This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in FIR No.37 of 2015 on the file of CCS, DD, Hyderabad, registered for the offence punishable under Sections 418, 419, 420, 465, 467, 468 and 471 IPC.

Heard and perused the material available on record.

It is alleged that the petitioner and his family members availed term loan of Rs.2,61,00,000/- in the de facto complainant-Bank in the year 2012, against Future Rent Receivables of the properties leased out by the petitioner and his family members. At the time of availing loan, the petitioner and his family members executed various documents including Tripartite Agreement executed in between the borrowers and the lessees in favour of the bank, and undertakings given by the tenants to make payment directly to the Bank. Subsequently, the tenants failed to deposit the monthly rents in the loan account as agreed and as such, the loan account was declared as Non performing asset, consequent upon which, the bank issued demand notices, despite which, the payments were not made. It is alleged that some of the tenants informed that they never executed any undertakings. It is alleged that forged undertakings and forged tripartite agreements were furnished by the petitioner and his family members and that they failed to repay the term loan, and thus, the borrowers and tenants committed fraud, misrepresentation, cheating, forgery, fabrication of documents, criminal conspiracy and criminal breach of trust.

Learned Counsel for the petitioner submitted that the petitioner is repaying the loan amount and there is some default during the monthly instalments and so far, the petitioner paid One crore and that the alleged agreements and documents were signed in the presence

of the Bank and that the petitioner is facing the civil proceedings initiated by the Bank.

Considering the facts and circumstances of the case and the allegations made in the complaint, this Court is not inclined to grant the relief sought by the petitioner.

At this stage, the learned Counsel for the petitioner submitted that due to the pendency of the above crime, the petitioner apprehends arrest and harassment in the hands of the respondent-police.

In view of the above submission, the respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioner. The petitioner is directed to appear before the investigating officer concerned and produce all the documents to substantiate his claim. In the event of necessity, the respondent-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.

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

JUSTICE RAJA ELANGO

Date : 8.3.2016

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DATED 8.3.2016

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