

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3023 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 to A-6 in Crime No.312 of 2015 on the file of Kothagudem I Town Police Station, Khammam registered for the offences punishable under Sections 420 read with Section 120 B IPC and Section 5 of A.P. Protection of Depositors and Financial Establishments Act, 1999.

Heard and perused the material available on record.

The offences alleged against the petitioners are punishable under Sections 420 read with Section 120 B IPC and Section 5 of A.P. Protection of Depositors and Financial Establishments Act, 1999. It is stated that the crime is under investigation and the same has not been completed.

A reading of the material on record would reveal that specific overt acts are attributed against the petitioners and whether the petitioners have committed the alleged offences or not are matters to be decided during the course of investigation and the same cannot be decided at the crime stage.

Having regard to the facts and circumstances of the case and in view of the nature of offences alleged against the petitioners/A-1 to A-6 are serious in nature, this Court is not inclined to interfere with the proceedings against the petitioners/A-1 to A-6. However, in view of submission of the learned counsel for the petitioners that the petitioners/A-1 to A-6 are apprehending

arrest due to pendency of the above crime, the police concerned is directed to complete the investigation without arresting the petitioners/A-2 to A-6, except A-1 and file final report in accordance with law. In the event of necessity, the police concerned are at liberty to issue a notice to the petitioners/A-2 to A-6 for the purpose of investigation and on receipt of such notice the petitioners/A-2 to A-6 shall appear before the police and cooperate with the investigating agency. In the event of failure on the part of the petitioner/A-2 to A-6 to appear before the police on receipt of such notice, the police are at liberty either to arrest the petitioners/A-2 to A-6 or to approach this Court, as the case may be, for recalling the present order. However, the police concerned are at liberty to arrest the 1st petitioner/A-1 if any necessity arises.

Accordingly, the Criminal Petition is disposed of. Consequently, the Miscellaneous Petitions pending in this petition, if any, shall stand closed.

RAJA ELANGO, J

Date: 23-03-2016

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