

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL PETITION No.1848 of 2016**

**ORDER:**

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in crime No.523 of 2015 on the file of the Penamaluru Police Station, Vijayawada City, Krishna District, registered for the offence under Section 392 IPC.

Heard and perused the material.

The case of the prosecution is that A.1 purchased the lorry from M/s.Shriram Transport Finance Company under instalment scheme and that he failed to pay the instalments. One Mr.Mendi Srinu, Credit Manager of the said firm, searched for the lorry and in that process, he found the lorry and demanded A.1 over phone to pay the instalments or to handover the lorry and after that, A.1 handed over the lorry to him and when Driver Raju was parking the lorry in the company yard, A.1 and A.2 and two other accused stopped the lorry and pulled down and slapped driver Raju from the lorry and forcibly taken away the lorry.

Considering the facts and circumstances, this Court is not inclined to quash the impugned proceedings at this stage. However, this Court is of the view that the custodial interrogation of the petitioner is not necessary and as such, the police concerned are directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The police are directed to issue notice to the petitioner for his appearance for the purpose of investigation and the petitioner is also directed to appear and cooperate with the investigating agency. The petitioner is also directed to submit an Undertaking for his future appearance for the purpose of investigation.

The Criminal Petition is accordingly disposed of. Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

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**JUSTICE RAJA ELANGO**

16.02.2016  
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