

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12972 OF 2016

ORDER:

This petition is filed by the petitioners – Accused Nos.1 and 2 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.46 of 2016 on the file of I-Town Police Station, Bhimavaram, West Godavari District, registered for the offences punishable under Sections 420, 406 and 506 r/w.34 IPC.

Heard and perused the material available on record.

The 2nd respondent – de facto complainant filed a private complaint stating that he is doing prawn business in Bhimavaram and the petitioners approached him and requested to start trading with them since they require 60 tonns of prawn and promised to pay Rs.10/- additional per kg., and also would pay the entire amount at the last load of the prawn. Believing their words, the de facto complainant loaded nearly 53,159 kgs., of prawns to the petitioners within three months. When the de facto complainant requested for payment of Rs.90,00,000/- for the said load, the petitioners replied that they sold the prawn and they used the said amount and threatened him with dire consequences. The said complaint was referred to the police, Bhimavaram I-Town Police Station, and the above crime was registered against the petitioners.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and they never cheated the de facto complainant and in fact, the de facto complainant is doing business with the petitioners from 2014 and till now there are no allegations against them.

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 petitioners.

At this stage, the learned Counsel for the petitioners submitted that due to the pendency of the above crime, the petitioners apprehends arrest and harassment in the hands of the 1st respondent-police.

In view of the above submission, the 1st respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioners. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioners for their appearance before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioners shall appear before the investigating agency and give an undertaking as to their future appearance as and when required by the investigating agency for the purpose of investigation.

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

JUSTICE RAJA ELANGO

September 02, 2016.

KTL/NN

