

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.13037 OF 2016

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in FIR No.199 of 2016 on the file of Mangalgiri Police Station, Guntur Urban District, registered for the offence punishable under Sections 420 and 389 r/w 34 IPC.

Heard and perused the material available on record.

The 2nd respondent supplied the stock of fish feed to the accused by raising invoices in the names of A2 to A7. In spite of repeated demands, A2 to A7 did not pay the katha amount due to the complainant. Subsequently, A2 to A7 began to proclaim that they entrusted the amounts to A1. On the other hand, A1 got issued a legal notice to the complainant with false contentions and demands.

Learned Counsel for the petitioner submitted that the present complaint has arisen out of business transaction and that the petitioner never committed any offence as alleged and that the petitioner was falsely implicated in the above crime.

Learned Additional Public Prosecutor opposed this petition.

The truth or otherwise of the allegations in the complaint cannot be decided by this Court. Considering the facts and circumstances of the case and the nature of offence, this Court is not inclined to grant the relief sought by the petitioner. However, the 1st respondent-police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the 1st respondent-police are directed to issue a notice to the petitioner to appear before the investigating agency for the purpose of investigation. On

issuance of such notice, the petitioner is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required for the purpose of investigation.

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

JUSTICE RAJA ELANGO

Date : 2.9.2016

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DATED 2.9.2016

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