

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4955 OF 2016

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ORDER:
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This Criminal Petition is filed by the petitioners-A1 & A2 under Section 482 Cr.P.C., seeking to quash the proceedings against them in Crime No.64 of 2016 on the file of Zaheerabad Town Police Station, Medak District, registered for the offence punishable under Sections 406, 420, 477-A and 323 r/w 506 II IPC.

Heard and perused the material available on record.

It is alleged that the de facto complainant gave some works to the petitioners under a Memorandum of Understanding and that the petitioners misappropriated the amounts and cheated the de facto complainant as well as the ESI and EPF authorities by preparing false, forged and fabricated documents. As the 2nd respondent filed a private complaint against the petitioners, the said complaint was referred to the police and the same was registered as the above crime.

Learned Counsel for the petitioners submitted that some of the contract labour engaged by the 2nd respondent approached the petitioners complaining that the 2nd respondent was not remitting the amounts towards ESI & EPF and the petitioners raised the issue with the Commissioner, Zaheerabad Municipality and in that regard, notices were issued to the 2nd respondent and that the Commissioner also filed a complaint against the 2nd respondent and others and on that, the 2nd respondent bore grudge against the petitioners and filed a false complaint against them. Further, the learned Counsel for the petitioners submitted that the learned Magistrate referred the private complaint filed by the 2nd respondent without following the procedure under Section 156(3) Cr.P.C.

Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is not inclined to interfere with the proceedings in the above crime.

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

In view of the above submission, the 1st respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioners. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioners for the purpose of investigation. On issuance of such notice, the petitioners are directed to appear before the investigating officer and give an undertaking as to their future appearance as and when required by the investigating agency 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 : 7.4.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 7.4.2016

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