

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.5856 of 2016

ORDER

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This criminal petition is filed by the petitioners-A2 and A5 under Section 482 Cr.P.C., seeking to quash the proceedings against them in Cr.No.241 of 2015 of III Town Police Station, Karimnagar, registered for the offences punishable under Sections 420, 448, 323, 290, 120(B) IPC and under Sections 3 and 5 of Money Lending Act.

2. Heard and perused the material on record.

3. The case of the prosecution is that the de facto complainant and her brothers obtained hand loan of Rs.5,50,000/- from A1 with interest at 4% per annum to meet their necessities and that as they failed to repay the interest within time, A1 to A5 with criminal conspiracy trespassed into the house of the de facto complainant on 11.11.2014, abused her and her brothers in filthy language, beat with hands and forcibly grabbed their joint land admeasuring 85.55 square yards in Sy.No.1349 and got registered in the name of A2, who stood as surety at the time of obtaining loan. Based on the complaint, the aforesaid crime was registered against the accused.

4. Learned counsel for the petitioners submitted that both the petitioners were initially arrested on 20.11.2015 in Cr.No.416 of 2015 of Karimnagar II Town Police Station for the offences punishable under Section 306 IPC and under Sections 3 and 5(a) & (b) of the Andhra Pradesh (Telangana Area) Money Lenders Act, 1349 F and produced before the Court and thereafter, they were

released on bail since the police failed to file charge sheet within the statutory period. He further submits that though the present crime is pending before the same police station where the other cases are pending in the same District, the police ought to have produced the petitioners on PT warrant before the Court concerned for remand and now, the police are trying to arrest them.

5. In view of the above submissions, the police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioners/A2 and A5. In the event of necessity, the police concerned 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.

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

RAJA ELANGO, J

21st April, 2016

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