

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1337 OF 2014

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners seeking to quash proceedings in FIR No.22 of 2014 of Nelloge V Town Police Station, Nellore District, registered for the offence under Section 420 IPC.

Heard and perused the material available on record.

The case of the prosecution is that the petitioners are employees of Magma Fincorp Limited and that one Hemanth Kumar obtained car loan of Rs.5,50,000/- from the said company and paid some installments and thereafter, he became defaulter. Hence, the petitioners went to the house of Hemanth Kumar and repossessed the car, after giving information to him about the dues. But, strangely, the de facto complaint, who is not at all concerned with the petitioners, filed the present complaint alleging that he kept an amount of Rs.4,00,000/- in the car and his car was taken away by the petitioners.

Learned counsel for the petitioner submitted that the entire reading of the complaint discloses that the present complaint was given with a malafide intention, knowing fully well that the car was taken by Magma Fincorp Limited.

Having regard to the facts and circumstances of the case and also in view of the nature of offence alleged against the petitioners, this Court is of the view that the said facts can be informed by the petitioners to the police during the course of investigation and also they can produce the documents to show that that the vehicle is under hypothecation and the dues were also not paid by the person in whose name the vehicle stands. Further, on interrogation if it is found that the complaint lodged by

the de facto complainant is a false one, necessary action can also be taken against the de facto complainant. Hence, this not inclined to interfere with the proceedings against the petitioners.

At this stage, learned counsel for the petitioners submitted that in view of pendency of the present crime, the petitioners apprehend arrest and harassment in the hands of the police.

In view of the above, the police concerned are directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The petitioners are also directed to appear before the police concerned, as and when their presence is required, and cooperate with the investigation.

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

RAJA ELANGO, J

February 18, 2016.

KTL