

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4950 OF 2016

ORDER:

This Criminal Petition is filed by petitioners-A1 to A9 under Section 482 Cr.P.C., seeking to quash the proceedings against them in Crime No.72 of 2016 on the file of Devarapalli Police Station, West Godavari District, registered for the offence punishable under Sections 144, 147, 323, 341, 348, 448, 354, 452, 506(2) r/w 34 IPC and Section 3(X)(XI) of SCs and STs (POA) Act.

Heard and perused the material available on record.

The 2nd respondent lodged a private complaint stating that she borrowed Rs.1,50,000/- from A1, who is her nearest relative, agreeing to repay the same with interest at 24% and at that time, A1 and her husband obtained the signatures of the 2nd respondent and her husband on blank pronotes. Subsequently, though the entire amount was repaid, A1 refused to return the pronotes and demanded higher rate of interest. It is further alleged that A1 with all the other accused came to her house on 21.12.2015 at about 7 p.m., with deadly weapons, demanded her to pay Rs.20 lakhs towards discharge of the previous loan and abused her in filthy language and kicked her servant-maid and removed the saree of the 2nd respondent and attempted to tear her blouse. As the private complaint lodged by the 2nd respondent was referred to the police, the above crime was registered.

Learned Counsel for the petitioners submitted that the alleged occurrence took place on 21.12.2015 and the complaint was lodged on 25.2.2016 and there was delay in lodging the complaint and that the 1st petitioner filed a private complaint against the father of the 2nd respondent and as a counter blast, the 2nd respondent filed the present complaint and 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. However, 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 notices 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 : 11.4.2016

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DATED 11.4.2016

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