

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4951 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.73 of 2016 on the file of Devarapalli Police Station, West Godavari District, registered for the offence punishable under Sections 144, 147, 323, 341, 348, 379, 384, 385, 447 and 506(2) r/w 34 IPC.

Heard and perused the material available on record.

The 2nd respondent lodged a private complaint stating that he borrowed Rs.2,00,000/- from A1, agreeing to repay the same with interest at 36% and at that time, A1 obtained the signatures of the 2nd respondent on blank pronotes. Subsequently, though the entire amount was repaid, A1 refused to return the pronotes and demanded to pay high rate of interest. It is further alleged that A1 with all the other accused trespassed into the land of the 2nd respondent with deadly weapons while he was working there and caught hold of the hands and legs of the 2nd respondent and threatened him. A2 to A9 confined the farm servant of the 2nd respondent and all the accused beat the 2nd respondent with sticks and forced him to sign on some blank pronotes and they demanded the 2nd respondent to pay Rs.25 lakhs with 60% interest. 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 14.3.2016 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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