

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3921 OF 2016

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ORDER:

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This petition is filed by the petitioners-accused under Section 482 Cr.P.C. seeking to quash the proceedings against them in FIR No.81 of 2015 on the file of Madhapur Police Station, Cyberabad, registered for the offence punishable under Sections 406, 420, 468 and 120-B IPC.

Heard and perused the material available on record.

It is alleged that during the course of business transaction, the 2nd respondent-complainant and the petitioners entered into a contract agreement for supply of Indonation Steam Coal in bulk. A3 entered into an agreement and signed on behalf of A1, A2 and A4. As per the contract the accused committed to supply 50,000 metric tonnes. But the accused sent only 26,900.870 metric tonnes. The accused committed to supply balance quantity. Believing their words, the complainant transferred the amounts. But in spite of continuous follow up, the accused neither responded nor made supply of balance material. Thus, the accused with an intention to cheat the complainant, prayed fraud and motivated the complainant to transfer the amounts to the accused company and personal accounts.

Learned Counsel for the petitioners submitted that as the private complaint filed by the 2nd respondent was referred to police, the above crime was registered and that the present complaint has arisen out of business transaction and the learned Magistrate has not followed the procedure while referring the matter to the police.

Considering the facts and circumstances of the case and the allegations made in the complaint, 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.

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 : 22.3.2016

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DATED 22.3.2016

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