

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3593 OF 2016

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.57 of 2016 on the file of the Husnabad Police Station, Karimnagar District, registered for the offence punishable under Sections 420 and 506 IPC and Sections 3 and 5 of the A.P. (Telangana Area) Money Lenders Act, 1349 Fasli.

Heard and perused the material available on record.

It is alleged that the 2nd respondent-complainant obtained loan of Rs.5 lakhs from the petitioner-accused and executed a registered sale deed in respect of the land to an extent of Ac.1.38 guntas. It was agreed that the 2nd respondent shall pay interest at 30% p.a. Again, the 2nd respondent obtained 6 lakhs from the petitioner and on demand, the complainant has executed an agreement of sale-cum-general power of attorney in respect of land to an extent of Ac.2.01 guntas. As per the agreement, the petitioner should return the land after discharge of the loan amount. But the petitioner-accused did not do so even after discharge of the loan amount.

Learned Counsel for the petitioner submitted that earlier, as the police refused to register the complaint lodged by the 2nd respondent, he filed the private complaint before the Magistrate concerned and the learned Magistrate referred the same to the police and therefore, the above crime was registered.

Considering the facts and circumstances of the case and the allegations made in the complaint, this Court is not inclined to grant the relief sought by the petitioner.

At this stage, the learned Counsel for the petitioner submitted that due to pendency of the above crime, the petitioner apprehends arrest.

Considering the above circumstances, the 1st respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioner-accused. In the event of necessity, the 1st respondent-police are directed to issue a notice to the petitioner for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating officer and give an undertaking as to his 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 : 17.3.2016

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DATED 17.3.2016

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