

SMT JUSTICE T.RAJANI
CRIMINAL PETITION No.9980 OF 2011

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused seeking to quash the proceedings in Crime No.164 of 2011 of Guduru Police Station, Krishna District, registered for the offences punishable under Sections 447, 382 and 509 of I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 1st respondent – State. None appears for the 2nd respondent – Complainant, in spite of service of notice.

3. A perusal of the complaint shows that the petitioner has taken away the motorcycle of the complainant. The complaint further shows that the complainant has taken Rs.5,000/- from the petitioner as loan and repaid Rs.4,000/- and is still due an amount of Rs.1,000/- and interest.

4. It appears that the said motorcycle was taken away by the petitioner in discharge of the said loan.

5. Learned counsel for the petitioner submits that the alleged motorcycle bearing Registration No.AP23-R-5074 is not in the name of the complainant and, even from the complaint, it belongs to one Sayyad Shekh. But the same cannot be taken as a ground for quash of the proceedings, as the motorcycle is stated to be in possession of the complainant and the 161 Cr.P.C. statements recorded from the witnesses also support the said fact.

6. Hence, considering the above, this Court opines that this is not a fit case to quash the proceedings against the petitioner. Hence, the Criminal Petition is liable to be dismissed.

7 In the result, the Criminal Petition is dismissed. However, considering the request of learned counsel for the petitioner, the Police concerned are directed to

follow Section 41-A of Cr.P.C. before effecting the arrest of the petitioner/accused.

8. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

T. RAJANI, J

Date: 04.10.2018.
Dsh



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