

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7253 of 2017

ORDER:

Heard learned counsel for petitioner/ accused in Crime No.301 of 2017 of II Town Police Station, Khammam District registered for the offences punishable under Sections 294 (b), 324, 447 and 506 IPC, which is outcome of private complaint of defacto complainant that was referred to police for investigation under Section 156 (3) Cr.P.C by the learned Magistrate in registering the crime, and also learned public prosecutor representing the 1st respondent—State before ordering notice to 2nd respondent—de facto complainant. Perused the grounds urged in the quash petition and also contents of FIR and affidavit of earlier giving of reports.

2) There is force in the contention of the learned counsel for the petitioner that in earlier giving of so-called reports to the police, there is no whisper about any contact and which is nothing but counterblast to cheque bounce case for which notice issued in anticipation of dishonour of cheque for approval of cause of action even taken on the face value of the evidence, there is no offence under Section 324 IPC that attracts.

3) Having regard to the above, there is nothing to interdict the investigation, however, pending investigation, police shall not arrest the petitioner but the police are at liberty to call for the presence of the petitioner whenever required for the purpose of the investigation. Further remedies are left open after filing final report.

4) Accordingly and in the result, the Criminal Petition is disposed of.

5) Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 23.08.2017
knl

