

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.9723 of 2011

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C. by the petitioner-accused to quash the proceedings in Crime No.235 of 2011 on the file of V Metropolitan Magistrate, Gannavaram, Krishna District.

The brief facts of the case are as follows:

On 11.08.2011 at about 6:00 P.M. when the complainant was proceeding from Eluru to Vijayawada after collection at Eluru from his Khatadhars and when he reached near Gannavaram bus stand center, he saw the accused standing near the out gate of the R.T.C. bus stand. Immediately, the complainant stopped his car and asked the accused why he was standing there. The accused replied that he has been waiting for the arrival of his friend. The complainant asked the accused that the payment was delayed for so long. Then the accused grew wild caught hold of the shirt of the complainant, made him fell down and dragged him to some distance by saying "How dare you are to ask me about repayment in a public place." The accused beat the complainant with hands and legs all over his body. The accused snatched his cash bag containing collection amount of Rs.80,000/- and threatened the complainant to do away with his life unless he parts with the gold chain, and the bracelet worn by him. Having no other option the

complainant has given the gold chain and bracelet to the accused due to the fear of death in the hands of the accused. In the meanwhile, the clerk cum the collection boy, who accompanied the complainant, by name, Potina Shankar Rao, rescued the complainant from the clutches of the accused. The passerby, who assembled there, raised cries to take away the complainant from that place. The complainant along with the said Shankar Rao immediately rushed to the police station and reported the matter to the S.H.O., Gannavaram. The police people did not take any action against the accused though the complainant went round to the police station, time and again.

Heard learned counsel for the petitioner and learned Public Prosecutor.

Learned counsel for the petitioner submitted that in view of the interim order passed by this Court on 12.10.2011, all further proceedings in Crime No.235 of 2011 were stalled. He further submitted that as this matter is pertains to the year of 2011, instead of going into the merits of the case, a direction can be issued to the police to investigate the matter under Section 41A of Cr.P.C.

Learned Public Prosecutor reported no objection for giving such a direction.

Considering the facts and circumstances of the case, it is appropriate to direct the police to conduct further investigation in this matter by following the procedure under

Section 41A of Cr.P.C. The said proposition has been laid down by the Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

Accordingly, the Criminal Petition is dismissed directing the police to conduct further investigation in this matter by following the procedure contemplated under Section 41A of Cr.P.C.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date : 26.10.2017
ssp

GUDISEVA SHYAM PRASAD,J



¹ 2014 (8) SCALE 250