

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11197 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in Crime No.203 of 2011 of Rural Police Station, Tenali, Guntur District.

2. Heard the counsel for the petitioners and the Public Prosecutor, who took notice for the 1st respondent. The 2nd respondent has not appeared in spite of service of notice.

3. The counsel for the petitioners submits that except the allegations made by the complainant, there is no other material to support the said allegations. But in the considered opinion of this court, the allegations made in the complaint alone come for consideration in a petition under Section 482 Cr.P.C., which is filed at crime stage.

4. A perusal of the complaint shows that the complainant alleged that he parked his vehicle along with the cash bag outside the house and when he went inside the house he forgot to take the cash bag with him. Later, when he came back for the cash bag and while searching for the same, the accused, who are the owner of the house and the son of the owner, informed him that they took the bag and kept it aside and they promised him to return the money. But they did not do so. Having waited for some time for return of the cash and as the accused did not return the same, he filed the present complaint and hence, the delay in filing this report.

5. There is absolutely no material placed by the accused to say that the allegations in the complaint are false. Hence, this Court finds that this is not a fit case for initiating the proceedings under Section 482 Cr.P.C. The counsel for the petitioners, however, seeks the court to give a direction to the police not to arrest the accused since A1 is a Government servant and since the complaint is *mala fide* and is filed as a counter blast to the demand of the accused to vacate the premises.

6. However, the police are directed not to arrest the petitioners unless it is very much necessary for the investigation. The police are at liberty to file a petition before the concerned court if they need to arrest the petitioners in this case. The Criminal Petition is, accordingly, disposed of.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 6, 2017
LMV

T. RAJANI, J