

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8921 OF 2017

ORDER:

Heard the learned counsel for the petitioners/ A1 and A2 of Crime No.165 of 2017 of Kulsumpura Police Station, Hyderabad, registered for the offences punishable under Sections 406, 420 and 506 r/w 34 I.P.C., which is an outcome of the report of the 1st respondent and learned Public Prosecutor appearing for the State before ordering notice to respondent No.1/de facto complainant and perused the grounds urged in the Criminal Petition and the contents of F.I.R.

Though it is the contention of the learned counsel for the petitioners that it is purely a civil dispute on a money lending transaction, there is nothing to show about any partnership, much less, to say, there is a breach of trust or cheating from mere standing as a surity for the collateral security provided in financing by the de facto complainant to the business of the petitioners, but for, if at all at the instance of owner of the premises, by name, B.Narsing Rao, who is cause filed two cases, cause filing through the de facto complainant another case, despite civil suit between the owner of the premises and the petitioners, as lessees, pending on the file of the IX Junior civil Judge, City Civil Court, Hyderabad in O.S.No.1350 of 2017, these are no way come in

the way, much less to interdict the investigation, but for, to say the petitioners are left open to place any material before the investigating officer to consider as part of investigation. In the event of any necessity of arrest of the petitioners, the Police strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹. All the defences are left open.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Date: 26-10-2017

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Dr. B. SIVA SANKARA RAO, J



¹ (2014 (2) ALT (CrI.) 457 SC)