

THE HON'BLE DR.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9845 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 to A4 of P.S.Thirumalgiri, registered for the offences punishable under Sections 420 and 409 IPC and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to 2nd respondent – defacto complainant – Manager of the Bank and perused the grounds urged in the quash petition and the contents of the FIR and other material on record.

2. From perusal of the record, there is nothing to interdict the investigation, but for to say, from the offence under Section 409 IPC has no application but for at best under Section 406 IPC as contended by the counsel for petitioner apart from the proceedings under SARFAESI Act already initiated and the loan is covered by the security, the investigation shall go on, however, the petitioner shall not be arrested pending investigation, however, this order will not prevent the police to secure the presence of the accused for purpose of investigation. All defenses of the petitioner are left open.

3. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

**27.10.2017
SS**