

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3727 of 2018

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioner/accused seeking to quash the proceedings in Crime No. 117 of 2017 of Central Crime Station, Hyderabad, registered for the offences under Section 420 IPC.

The de-facto complainant, who is the Branch Manager of Vijaya Bank, Marredpally, in his report to police would submit that the petitioner/accused, who is the proprietor of M/s Sri Laxmi Ganapathy Enterprises has availed a loan of Rs. 99,67,760/- from West Marredpally Branch vide A/c Nos. 400809041000092 & 400806211000019 dated 11.3.2016 against Hypothecation of stocks in trade (Hand Bags and Raw Materials) as a primary security and executed hypothecation agreement on 11.3.2016. His further submission is that the borrower failed to pay the over dues of the loan as per the terms and conditions and when the bank officials visited the unit, to their dismay, they came to know that the unit was not functioning and the accused lifted the entire stock from the unit without any intimation to the bank with malafide intention to cause wrong full loss to the bank.

The investigation is reported to be pending.

Learned counsel for petitioner would submit that the complaint allegations are not correct inasmuch as the petitioner/accused has not lifted the machinery and the same is in possession of the bank which can be culled out from the valuation report submitted by the chartered accountant in his report dated 2.11.2017.

The learned Additional Public Prosecutor would submit that the main grievance of the second respondent/complaint is that the stock in trade which was hypothecated was in fact lifted away by the petitioner/accused without intimation to the bank and that aspect is under investigation now. He would fairly concede that he has no objection if the investigation is directed to be continued by the Investigating Officer by following procedure contemplated under Section 41-A Cr.P.C.

Having regard to the fact that investigation is at the inceptional stage, it is apposite that the investigation shall lead to its logical conclusion to unearth the crime. Therefore, while the investigating Officer conduct the investigation, shall strictly follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**¹ and follow the procedure contemplated under Section 41-A Cr.P.C., during the course of investigation. Petitioner/accused in turn is directed to cooperate with the investigating agency for smooth completion of investigation. She shall

¹ (2014) 8 SCC 273

furnish her address particulars and phone particulars to the Investigating Officer within three days from the date of this order.

Accordingly, the Criminal Petition is disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 20.04.2018
KA

Note: Furnish copy by Monday.

