

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4289 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused seeking to quash the proceedings in Crime No.35/2018 of old Guntur PS, Guntur Urban, registered against him for the offences under Sections 406 and 420 IPC.

- 2) Investigation is reported to be pending.
- 3) Learned counsel for petitioner craved for quashment of the proceedings mainly on the submission that even if the entire allegations are taken to be true, they would only reveal a civil dispute broke-out in the course of partnership between the parties and subsequent differences among them and therefore, no case could be made out for the offences under Sections 406 and 420 IPC.
- 4) Learned Addl. Public Prosecutor would submit that having executed the Memorandum of Understanding, the petitioner cheated the complainant and the same can be revealed out only after thorough investigation.
- 5) In these circumstances, having regard to the fact that the complaint allegations have a tinge of civil dispute, this Court is of the considered view that the investigation may be continued to its logical end. However, the Investigating Officer shall strictly follow the guidelines rendered by

Hon'ble Apex Court in the decision reported in *Arnesh Kumar vs. State of Bihar*¹ and also the procedure contemplated under Section 41-A Cr.P.C during the course of investigation towards the petitioner/accused. In turn, the petitioner/accused shall cooperate with the investigating agency for smooth completion of investigation.

6) Accordingly, this Criminal Petition is disposed of.

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

Date: 16.04.2018

Note: Issue CC by tomorrow.

(b/o)
scs

U. DURGA PRASAD RAO, J



¹ AIR 2014 SC 2756