

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.1462 OF 2022

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed seeking to quash the proceedings in Crime No.39 of 2022, pending on the file of P.S. Geesugonda, Warangal District. The petitioner is the sole accused in the said crime. The offences alleged against him are under Sections 406 and 420 of IPC.

2. Heard Sri A.Jagan, learned counsel for the petitioner and learned Public Prosecutor for the respondents. Perused the record.

3. A perusal of complaint dated 12.02.2022 would reveal that the petitioner herein, managing partner of M/s. Lakshmi Venkateswara Industries, rice mill, Sthambhampally Village, has agreed to supply certain rice and on inspection, it was reported that there is no paddy stock available in the said rice mill. As there is no paddy stocks as per G.O.Ms.No.22, the 2nd respondent has to recover Rs.31,000/- per metric ton paddy defaulted and 25% penalty and 12% interest per annum. The value of the paddy defaulted quantity has been prepared and there is specific mention about the same in the complaint dated 12.02.2022. Thus, according to Sri A.Jagan, learned counsel for the petitioner, the allegations are purely civil in nature and the 2nd respondent instead of initiating civil proceedings,

implicated the petitioner in the present crime. Thus, there are several factual aspects to be investigated into by the Investigating Officer during the course of investigation including the allegations made by the 2nd respondent in the complaint dated 12.02.2022. The punishment prescribed for the offences alleged against the petitioner herein is below 7 years.

4. Sri A.Jagan, learned counsel for the petitioner would submit that yesterday the Investigating Officer had served a notice under Section 41-A of Cr.P.C and the petitioner would submit his explanation.

5. In view of the same, this Criminal Petition is disposed of directing the Investigating Officer in Crime No.39 of 2022, pending on the file of P.S. Geesugonda, Warangal District, to strictly follow the mandatory procedure contemplated under Section 41-A of Cr.P.C. and also the guidelines issued by the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar***¹. The petitioner herein/accused shall cooperate with the Investigating Officer by furnishing information and documents as sought by him in concluding the investigation.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 16.02.2022
KL

¹ (2014) 8 SCC 273