

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 11827 OF 2022

Between:

1. Kundena Srinivas, S/o Prabhkar, Aged 43 years, Occ. Business, R/o H.No. 12-5-89, Gopalnagar, Sircilla Town and Mandal, Rajanna Sircilla District.
2. Kundena Suresh Kumar, S/o Prabhakar, Aged 40 years, Occ. Business, R/o H. No. 3-3-575/11a, Gayatri Nagar, Nizambad proper and District,

...PETITIONER/ACCUSED No.1

AND

1. The State of Telangana Rep. by its Public Prosecutor High Court of Telangana, Hyderabad.
2. Yara Sidiramulu, S/o Narayana, Aged 55 years, Occ. Electrician, R/o H. No. 12-1-42/1, B.Y. Nagar Locality of Sircilla Town and Mandal, Rajanna Sircilla District.

...RESPONDENTS/COMPLAINANTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the FIR. No. 478 of 2022 on the file of the Police Station, Sircilla, for the offence under sections 384, 420, 504, 506 of IPC and Section 156(3) of CrPC against the petitioners in the interest of justice .

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay off all the further proceedings including the arrest of the Petitioner/Accused.no. 1 and 2 in FIR. No. 478 of 2022 on the file of the Police Station, Sircilla, for the offence under sections 384, 420, 504, 506 of IPC and Section 156(3) of CrPC, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri CHALAKANI VENKAT YADAV, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11827 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 and 2 to quash the proceedings against them in FIR No.478 of 2022 pending on the file of Station House Officer, Sircilla Police Station, Rajanna Sircilla District, registered for the offences punishable under Sections 384, 420, 504 and 506 of Indian Penal Code (for short 'IPC') and Section 156(3) of Cr.P.C.

2. Heard learned counsel for the petitioners-Accused and learned Additional Public Prosecutor for the respondent-State. Perused the material on record.

3. The respondent No.2 – *de facto* complainant has filed a private complaint which was returned to Police for investigation. As seen from the complaint, the petitioners herein approached 2nd respondent and obtained loan of Rs.3,00,000/- and thereafter executed a promissory note by undertaking to repay the loan amount at 12% interest per annum. However, the loan was part paid for 20 months. Again there

was an agreement to pay the remaining amount. However, the remaining amount was not paid.

4. The transactions between the petitioners and the 2nd respondent are loan transactions and part of the loan was paid but the said loan transaction does not attract any of the ingredients of 420 of IPC. The allegation in the complaint that the petitioners have threatened the complainant with dire consequences if he asked for loan appears to be improbable.

5. As the transactions are purely civil in nature, this Court deems appropriate to direct the Investigating Officer in respect of FIR No.478 of 2022 pending on the file of Station House Officer, Sircilla Police Station, Rajanna Sircilla District, to conclude the investigation without arresting the petitioners-Accused Nos.1 and 2. Further, the petitioners shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

6. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial First Class Magistrate at Sircilla , Rajanna Sircilla Dist.
2. The Station House Officer Sircilla Police Station , Rajanna Sircilla Dist.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. CHALAKANI VENKAT YADAV Advocate [OPUC]
5. Two CD Copies

Handwritten signature/initials

HIGH COURT

DATED:29/12/2022

ORDER

CRLP.No.11827 of 2022



DISPOSING OF THE CRL PETITION

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