

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12479 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.305 of 2015 of Golconda Police Station, Hyderabad District registered for the offences under Sections 468, 469, 471 and 420 I.P.C.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.305 of 2015.

4. As per the allegations made in the complaint, the petitioner herein created a forged document in respect of the house bearing municipal No.9-4-137/90/B situated in Golconda Mandal. It is further alleged that the petitioners herein trespassed into the house of the 2nd respondent without any right whatsoever.

5. The contention of the learned counsel for the petitioners is that the petitioners 2 and 3 herein have filed O.S.No.2214 of 2014 on the file of XXII Junior Civil Judge, City Civil Court, Hyderabad, and obtained interim order against the 2nd respondent and others.

6. A perusal of the record reveals that the petitioners have obtained injunction order in respect of the house bearing municipal No.9-4-137/90/B. There is a dispute with regard to the municipal number of the house. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

8. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Golconda Police Station, Hyderabad District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.305 of 2015 so far as the petitioners/A.1 to A.3 are concerned.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 26.11.2015

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