

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2398 of 2012

ORDER:

This Criminal Petition is filed by the petitioners – accused, under Section 482 Cr.P.C., to quash the proceedings in Crime No.30 of 2012 on the file of Narasapuram P.S., West Goidavari District, registered for the offences punishable under Sections 354, 324, 427 and 506 r/w.34 IPC.

Heard and perused the material available on record.

The learned counsel for the petitioners submitted that there are civil disputes pending between the parties and that the allegations in the complaint are also modified and therefore, continuation of proceedings against the petitioners is nothing but abuse of process of law, and hence he prays to allow the petition.

While issuing notice to the respondents on 05.03.2012, this Court granted interim stay of all further proceedings in the above case. Learned Public Prosecutor filed an application seeking to vacate the stay and he also produced the copy of the case diary, which shows that prior to obtaining stay also, the investigation reveals that the petitioners are not involved in the crime and therefore, the offence under Section 354 IPC is not attracted. The case diary further reveals that the investigating agency is also proceeding to verify the veracity of the complaint.

Considering the above facts and circumstances of the case, this Court is of the view that the contentions of the learned counsel for the petitioner regarding the fact of false complaint and modification of the alleged offences and also the complaint arose out of civil disputes, can be investigated into by the police, without arresting the petitioners.

Hence, the respondent police are directed to complete the investigation of the

case without arresting the petitioners and to file final report, if any. If the petitioners are aggrieved over such final report, filed by the respondent police, they are at liberty to approach the Court in accordance with law.

With the above directions, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, filed in this Criminal Petition, shall stand closed.

RAJA ELANGO, J

November 07, 2015.

KTL