

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No. 3596 of 2015

Order:

The instant petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the FIR in Crime No.266 of 2015 of PM Palem Police Station, Visakhapatnam, for the offences punishable under Sections 468, 471, 341 read with 34 IPC, levelled against the petitioners 1 to 5 herein, who are arraigned as A-1 to A-5 respectively.

2. As per the complaint, while referring to the civil dispute, the forgery of public document is alleged against the petitioners. When the offences of fabricating a document and using the fabricated document as a genuine document are levelled. At this stage, except FIR, no other material is forthcoming, though, certain documents are filed showing civil litigation between the first and third petitioners, who filed the suit in OS No.227 of 2008 on the file of IV Additional District Judge, Visakhapatnam, against five defendants and the first defendant is said to be the developer to whom the land was given by the second respondent, no abuse of process of law can be inferred at this stage. Hence, it is a fit case where the investigation has to be continued. However, keeping in view that there is reference to civil suit during the course of arguments, in regard to which certain documents are filed, such as plaint and copy of the order, the concerned police are directed to resort to the procedure contemplated under Section 41-A Cr.P.C., as per the guidelines laid down by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**.

3. Accordingly, the instant Criminal Petition is disposed of.

4. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 01.05.2015

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