

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.3589 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners, who are arraigned as accused Nos.4 to 6 in Crime No.16 of 2015 of Jaggaiahpet Police Station, Krishna District, seeking to quash the proceedings in the said crime registered for the offences punishable under Sections 420 and 471 I.P.C.

2. The facts would reveal that the *de facto* complainant, who is respondent No.2 herein, was an auction purchaser of the property which is in dispute between the petitioners herein and accused Nos.1 to 3 and the *de facto* complainant alleged that they have fabricated a sale deed which was used before the Civil Court and obtained an award through Lok Adalat settling the matter. The petitioners, when filed application for delivery of possession, came to know that the sale deed was fabricated, and, thus, certain other details have been mentioned in the direction of substantiating the allegations levelled against the petitioners.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor. No representation for the 1st respondent, though, vakalat has been filed by learned counsel, Sri T.R.Prasad.

4. Learned counsel for the petitioners submits that there was no privity of contract between the petitioners and the *de facto* complainant and it is purely a dispute in civil nature and civil suits are pending between the parties. It is represented by the learned counsel that accused Nos.1 to 3 were arrested and they were enlarged on bail, and, so far as the present petitioners-accused Nos.4 to 6 are concerned, they are yet to be arrested.

5. Learned Additional Public Prosecutor resisted the request.

6. As seen from the material on record, there is material *prima facie* sufficient to proceed with the investigation and abuse of process of law does not arise to invoke the power under Section 482 of the Code. However, keeping in view the civil litigation referred to in the complaint itself, the police concerned are directed to resort to the procedure contemplated under Section 41A of the Code, in Crime No.16 of 2015 of Jaggaiahpet Police Station, Krishna District, as per the principle enunciated by the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**.

7. With the above direction, the criminal petition is disposed of.

8. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

28th April, 2015

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