

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4791 of 2015

ORDER :

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This Criminal Petition is filed by the Petitioners/Accused Nos.8 and 9 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.48 of 2015 of Machareddy Police Station, Nizamabad District registered for the offences punishable under Sections 147, 148, 120-B, 385, 386, 109 read with 149 I.P.C.

2) Heard the learned counsel for the petitioners as well as the 2nd respondent State represented by the Public Prosecutor including the 2nd respondent-defacto-complainant before admission and perused the material on record.

3) Though the F.I.R and remand reports no way disclose specifically the names of these petitioners among others of A-7 to A-17, of whom the petitioners are A-8 and A-9 as per the one of the remand reports with no whisper of complicity against them, the disclosure statements of A-1 apprehended and arrested accused Nos.1 to 5 show the complicity. Thereby the F.I.R cannot be quashed when there is material for further investigation by police. Pursuant to the above, they are apprehended ill-treatment in the hands of police, once they are catchy to the police and they are permitted to surrender before the learned Magistrate concerned.

4) Accordingly, this application is disposed of giving liberty to the petitioners, without prejudice to the rights of the petitioners for further recourse of filing final report in the form of charge sheet that was taken cognizance by any Court of law, to file an application under Section 44 Cr.P.C and surrender voluntarily before the learned Magistrate concerned on or before 22.06.2015 and in the meantime

the police shall not arrest them while they are attending the Court for the said purpose of surrender. The investigation shall go on.

5) With the above observations, the criminal petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

16.06.2015

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