

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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CRIMINAL PETITION No.12412 of 2015

ORDER:

1. This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners who are accused Nos.1 to 4 in Crime No.350 of 2015 on the file of the Station House Officer, Inthezargunj Police Station, Warangal District, registered for the offence punishable under Section 420 IPC.

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

3. The contention of the learned counsel for the petitioners is two fold – (1) The first petitioner/A-1 is facing trial in C.C.No.69 of 2011 on the file of the Additional Judicial Magistrate of First Class, Warangal, for the offences punishable under Sections 406, 420, 423, 468 r/w section 120B IPC; and (2) The accusations made against the first petitioner in C.C.No.69 of 2011 and this crime is one and the same.

4. The learned Public Prosecutor submitted that this is not the stage to go into the merits of the main case. As per the allegations made in the complaint, the first petitioner/A-1 created false settlement deed and pattadar passbooks in respect of the land in survey No.278-B1 of Enumamula Village, Hanamkonda Mandal, Warangal District. It is further alleged that the first petitioner herein/A-1 created sham and nominal settlement deed in favour of the petitioner Nos.2 to 4 herein. The gist of the allegations made in the complaint is that the petitioners herein created the above referred documents with an evil motive to deceive the second respondent. Whether the first petitioner/A-1 created false documents or not will come to light during the course of trial. The fact remains that the first petitioner/A-1 is facing trial in C.C.No.69

of 2011 on the file of the Additional Judicial Magistrate of First Class, Warangal.

5. Having regard to the facts and circumstances of the case on hand and also the principle laid down in ***R.P.Kapoor Vs. State of Punjab, State of Haryana Vs. Bhajan Lal, V.Y.Jose Vs. State of Gurajat*** and ***Teeja Devi Vs. State of Rajasthan***, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6. The learned counsel for the petitioners submitted that the Station House Officer, Inthezargunz Police Station, may be directed not to arrest the petitioners pending investigation in the crime.

7. Taking into consideration the nature of allegations made in the complaint, the Station House Officer, Inthezargunj Police Station, Warangal, is hereby directed not to arrest the petitioners herein/A-1 to A-4 in Crime No.350 of 2015, till completion of investigation.

8. Subject to the observations made supra, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

25th November, 2015

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