

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4959 OF 2016

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ORDER:

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This petition is filed by the petitioner-accused No.1 under Section 482 Cr.P.C. seeking to quash the proceedings against him in FIR No.70 of 2016 on the file of Raidurgam Police Station, Cyberabad, registered for the offence punishable under Sections 406, 420, 497 and 506 r/w 34 IPC.

Heard and perused the material available on record.

The 2nd respondent lodged a private complaint alleging that A2 is the wife of the 2nd respondent. They were blessed with two children. A2 used to pick up quarrels with the 2nd respondent and leave the matrimonial home without any information and knowledge of the 2nd respondent. On 8.1.2016, the 2nd respondent went to his job and when he returned home and knocked the door, A2 opened the door after 10 minutes and at that time, 2nd respondent found A1 behind the door of his balcony. When the 2nd respondent asked him, he replied that his bracelet fell from his balcony. It is alleged that A2 is having illicit relationship with A1. The private complaint filed by the 2nd respondent was referred to the police, on which basis the above crime was registered.

Learned Counsel for the petitioner submitted that the learned Magistrate referred the private complaint to the police without following the procedure under Section 156(3) Cr.P.C.

Considering the facts and circumstances of the case and the allegations made against the petitioner, this Court is not inclined to grant the relief sought by the petitioner. However, the 1st respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the 1st respondent-police are directed to issue a notice to the petitioner to

appear before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 11.4.2016

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DATED 11.4.2016

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