

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6301 OF 2016

ORDER:

This petition is filed by the petitioners-accused Nos.1 and 2 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.140 of 2016 on the file of the Pahadisharief Police Station, Ranga Reddy District, registered for the offence punishable under Sections 380, 420, 405, 506 and 120(b) r/w 34 IPC.

Heard and perused the material available on record.

The 2nd respondent filed a private complaint alleging that on 17.9.2015 while he was performing the third day ceremony of his wife, the petitioners came to their house and in his absence, they took away refrigerator, clothes, cash of Rs.30,000/- and also the property documents belonging to his wife. Further, the petitioners threatened the 2nd respondent with anti social elements. As the private complaint was referred to the police, the above crime was registered.

Learned Counsel for the petitioners submitted that the wife of the 2nd respondent is the mother of the 2nd petitioner and the property of the wife of the 2nd respondent was gifted to the 2nd petitioner and that the present complaint has arisen out of family disputes with regard to the property and that the learned Magistrate without considering the facts of the case and without following the procedure under Section 156(3) Cr.P.C., referred the private complaint.

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

investigation. On issuance of such notice, the petitioners are directed to appear before the investigating agency and give an undertaking as to their 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 : 26.4.2016
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DATED 26.4.2016

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