

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 11909 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in FIR.No.43 of 2014 on the file of the Station House Officer, Pedapudi Police Station, East Godavari District, registered for the offences punishable under Sections 120-B,403,405,406,415,417,420,463,468,471 read with 34 IPC and 156(3) Cr.P.C.

Heard the learned counsel appearing for the petitioners/Accused Nos. 1 to 5, and the learned Additional Public Prosecutor, representing the State.

Earlier the petitioners approached this Court in Criminal Petition No. 12038 of 2015 and the same was disposed of by order dated 23.11.2015 with a direction to the respondent-Police authorities to follow the procedure contemplated under Section 41-A Cr.P.C. Thereafter the petitioners filed Criminal Petition No.14150 of 2015 seeking anticipatory bail and this Court by order dated 06.01.2016 granted conditional bail. Thereafter the petitioners filed a petition seeking relaxation of the conditions imposed in the order dated 06.01.2016 and the same was considered and disposed of relaxing the conditions. Now it is the grievance of the petitioners that no charge sheet is filed yet and the learned Court below is insisting their presence every fortnight.

Having heard the learned Counsel on either side and gone through the material available on record, it is obvious that specific allegations were made against the petitioners/Accused

Nos. 1 to 5 in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the proceedings in the aforesaid first information report.

In the facts and circumstances of the case narrated hereinabove and as requested by the learned counsel for the petitioners, the Criminal Petition is disposed of, directing the Court below (learned III Additional Judicial Magistrate of First Class, Kakinada) not to insist the presence of the petitioners/Accused Nos. 1 to 5 till the charge sheet is filed, subject to executing the personal bonds for Rs.10,000/- (Rupees ten thousand only) each and giving undertaking to appear as and when they receive summons after charge sheet is filed.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 12TH AUGUST, 2016.
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