

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1873 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in FIR No.79 of 2016 on the file of the Chilkalaguda Police Station, Hyderabad City, registered for the offence under Section 363 IPC.

Heard.

The case is arising out of a dispute among the family members.

The learned counsel for the petitioner submits that the petitioner, being the natural guardian, has taken away his child from the custody of the *de facto* complainant. Admittedly, the *de facto* complainant is the grandmother of the child.

This Court is of the view that whether the girl was taken forcibly or not is a matter to be investigated by the police concerned and as such, this Court is not inclined to quash the proceedings. Absolutely, there is no need for custodial interrogation of the petitioner herein and as such, the concerned police are directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. It is made clear that the investigating officer should not take any steps regarding the custody of the child and the same has to be decided by the trial Court.

The Criminal Petition is accordingly disposed of. Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

16.02.2016

pln