

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4973 OF 2016

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ORDER:

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This petition is filed by the petitioner-A1 under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.70 of 2016 on the file of Kakinada II Town Police Station, East Godavari District, registered for the offence punishable under Section 363 IPC.

Heard and perused the material available on record.

The 2nd respondent-de facto complainant married one Subba Rao about 25 years back and she was blessed with one son and two daughters. The marriage of her first daughter was performed. Her son is aged about 20 years and the second daughter is unmarried. Due to differences, she left Subbarao and married the petitioner. She adopted a female child of 3 days old, purchased through A2 and A3 at the instance of the petitioner, who is staying at Dubai. Later, she left the company of the petitioner and took away the child with her. While so, the police approached and took her into custody as writ petition was filed by the petitioner seeking custody of the child. During the custody, the police recorded the statement of the de facto complainant and registered the present crime showing her as A4.

Considering the facts and circumstances of the case, this Court is not inclined to interfere with the investigation in the above crime. However, the 1st respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioner as well as the 2nd respondent, who is arrayed A4. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioner and the 2nd respondent to appear before the investigating agency for the purpose of investigation. On issuance of such notice, they 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 : 11.4.2016

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DATED 11.4.2016

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