

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.14485 of 2016

ORDER:

This petition is filed to quash the private complaint filed by the *de facto* complaint under Section 200 Cr.P.C., before the III Metropolitan Magistrate, Cyberabad, which was subsequently referred to Uppal Police Station by the said Magistrate by exercising power under Section 156(3) of Cr.P.C., and which was registered as a case in Cr.No.640 of 2016, dated 27.08.2016.

The allegation made against the petitioners is with regard to payment of money and re-conveyance of property as agreed between the parties. The only contention of the learned counsel for the petitioners is that the matter is purely civil in nature and no offence, much less an offence punishable under Section 420 and 406 of IPC, is committed by the accused.

However, the learned Public Prosecutor representing the State of Telangana fairly conceded that the concerned police may be directed to release the petitioner on his appearance in pursuance of notice under Section 41-A of Cr.P.C.

In view of the request made by the learned counsel for petitioners, the Police concerned are directed to go ahead with the investigation if they found that there is satisfactory material; and, complete the investigation within a period of one month.

Having regard to the facts and circumstances of the case, the concerned police are directed to resort to the procedure

contemplated under Section 41-A Cr.P.C., as per the decision of the Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**¹.

With the above direction, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 17.10. 2016
eha



¹ 2014(8) SCALE 250

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



CRIMINAL PETITION No.14485 of 2016

Dt.17.10.2016

cha