

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3348 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-1 and A-7 in Crime No.151 of 2015 of Morthad Police Station, Nizamabad District, registered for the offences punishable under Sections 494 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material on record.

A perusal of the material on record would reveal that specific allegations are made against the petitioners/A-1 and A-7 constituting offences, much less the alleged offence. Whether the petitioners/A-1 and A-7 have committed the alleged offence or not is a matter to be decided during the course of investigation and the same cannot be decided at the investigation stage, as the case is under investigation.

At this stage, the learned counsel for the petitioners submits that due to the pendency of the above crime, the petitioners/A-1 and A-7 apprehend arrest and harassment in the hands of the respondent-police.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners/ A-1 and A-7 are serious in nature, this Court is not inclined to interfere with the proceedings initiated against the petitioners/A-1 and A-7. However, in view of submission of the learned counsel for the petitioners that the petitioners/A-1 and A-7

are apprehending of their arrest due to pendency of the above crime, the police concerned are directed to complete investigation without arresting the petitioners/A-1 and A-7 and file the final report, if any, in accordance with law. However, in the event of necessity, the police concerned are directed to issue notice to the petitioners/A-1 and A-7 requiring them to appear before the investigating agency for the purpose of investigation and on the receipt of such notice, the petitioners/A-1 and A-7 shall appear before the investigating agency for the purpose of investigation and cooperate with the investigating agency. In the event of failure on the part of the petitioners/A-1 and A-7 in appearing before the investigating agency on receipt of such notice, the police concerned are always at liberty to approach this Court to recall the present order.

Accordingly, the criminal petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 15-03-2016

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