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THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5219 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against petitioners/accused Nos.1 to 5 in Crime No.3 of 2016 of Malkajgiri Police Station, Cyberabad, registered for the offences punishable under Sections 420, 406, 506 read with Section 120(B) I.P.C. and Section 156(3) Cr.P.C.

Heard and perused the material available on record.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioners/accused are serious in nature, which have to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioners/accused.

However, admittedly, the F.I.R. in this case was registered on the basis of reference made under Section 156(3) Cr.P.C. by the learned Magistrate, but the learned Magistrate has not followed the procedures in forwarding the complaint for registration of the same.

Further, in view of submissions of the learned counsel for petitioners that offences are arising out of matrimonial dispute and petitioners-accused are apprehending of their arrest in view of the pendency of the above crime, the police concerned are

directed to complete the investigation into the crime without arresting the petitioners/accused 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 petitioners/accused requiring them to appear before the investigating agency for the purpose of investigation and on issuance of such notice, the petitioners/accused shall appear before the investigating agency and give an undertaking as to their future appearance as and when required by the investigating agency for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

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RAJA ELANGO, J

Date: 13-04-2016

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