

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2771 OF 2016

ORDER:

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This petition is filed by the petitioners-accused under Section 482 Cr.P.C. seeking to quash the proceedings against them in FIR No.65 of 2016 on the file of Dharmavaram Urban Police Station, Ananthapuram District, registered for the offence punishable under Sections 420 and 506 r/w 34 IPC.

Heard and perused the material available on record.

It is alleged that the 1st petitioner made the 2nd respondent to believe him as owner of Ac.0.08 cents of plot Nos.140, 141 in Sy.No.578 and 579 of Pothukunta Polam, Dharmavaram Town, agreed to sell the said property to the 2nd respondent and received Rs.4,11,000/- as advance and later, on verification, the 2nd respondent came to know that the land is in the name of the 2nd petitioner. When the 2nd respondent asked the 1st petitioner to repay the advance amount, the petitioners caught hold of his shirt, pushed him and threatened him.

Considering the facts and circumstances of the case and the allegations made in the complaint, this Court is not inclined to grant the relief sought by the petitioners.

The learned Counsel for the petitioners submitted that the present complaint has arisen out of civil disputes between the petitioners and the de facto complainant-2nd respondent and that due to the pendency of the above crime, the petitioners apprehend arrest and harassment in the hands of the 1st respondent-police.

In view of the above submissions, the 1st respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioners. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioners for their appearance before the investigating agency for the purpose of

investigation. On issuance of such notice, the petitioners 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.

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

JUSTICE RAJA ELANGO

Date : 8.3.2016

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DATED 8.3.2016

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