

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2113 OF 2016

-
ORDER:

-
This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners-accused seeking to quash the proceedings in FIR No.47 of 2016 of Mills Colony Police Station, Warangal District, registered for the offences under Sections 406, 420, 468 and 471 r/w.34 IPC.

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

The petitioners are the tenants in the house of father of the de facto complainant. After the death of his father, the de facto complainant asked the petitioners to vacate the premises, but the petitioners did not vacate premises and stated that the father of the de facto complainant mortgaged the house in their favour for a sum of Rs.5,50,000/- and asked him to repay the same.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and there are civil disputes between the parties and that the present complaint was lodged on the reference made by the Magistrate, without following the procedure.

The truth or otherwise of the said allegations can be ascertained by the investigating agency during the course of investigation. Therefore, this Court is not inclined to interfere with the proceedings against the petitioners in the above crime. At this stage, learned counsel for the petitioners submitted that in view of the pendency of the above crime, the petitioners apprehend arrest and also the harassment in the hands of the police.

In view of the above, the police concerned are directed to complete the investigation without arresting the petitioners and

file final report, if any, in accordance with law. The petitioners are directed to appear before the Investigating Agency as and when their presence is required, and cooperate with the Investigating Agency.

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

RAJA ELANGO, J

February 19, 2016.

KTL