

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.11618 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against petitioners/accused Nos.1 and 2 in Crime No.98 of 2016 of Kamalapur Police Station, registered for the offence punishable under Section 420 of I.P.C.

Heard and perused the material available on record.

Having regard to the facts and circumstances of the case and also as the offence alleged against petitioners/accused Nos.1 and 2 is serious in nature, which is to be investigated into by the investigating agency, this Court is not inclined to interfere with the proceedings initiated against the petitioners/accused.

However, in view of submissions of the learned counsel for petitioners that petitioners are apprehending 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 Nos.1 and 2 and file the final report, if any, in accordance with law, by following the procedure contemplated under Section 41(a) Cr.P.C. However, in the event of necessity, the police concerned are directed to issue notice to petitioners/accused Nos.1 and 2 requiring them to appear before the investigating agency for the purpose of investigation and 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.

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

M.S.K.JAISWAL, J

9th August 2016

ajr