

HONOURABLE MRS JUSTICE ANIS

CRIMINAL PETITION No. 14111 of 2016

ORDER:

Heard learned Counsel for the petitioners and learned Public Prosecutor representing the State.

This Criminal Petition under Section 482 Cr.P.C. is filed to quash the proceedings in FIR No. 146 of 2016 on the file of Station House Officer, Police Station, Narasapuram (T), West Godavari District, registered for the offences punishable under Sections 420, 384, 506 read with Section 34 IPC.

The second respondent/Defacto complainant lodged a complaint with the police on 25.08.2016 alleging that the petitioners 1 and 2 herein forcefully took away her mother-in-law to the office of Sub Registrar and got executed a settlement deed in their favour and thereafter the petitioners 1 and 2 along with third petitioner started harassing her mother-in-law. It was alleged that the petitioners herein are closely related to her. It was further alleged that the third petitioner herein filed O.S.No.88 of 2016 on the file learned Senior Civil Judge, Bhimavaram, WG District for recovery of Rs.7,62,666/- from her and the same is pending adjudication.

Learned Counsel for the petitioners argued that there are no specific dates and events occurred with regard to the alleged harassment and instigation against the second respondent and

that the cancellation of registered document alleged to have been got executed if any shall have to be by way of civil suit and therefore the present complaint lodged by the second respondent against the petitioners is not sustainable under law.

Learned Public Prosecutor states that investigation in the aforesaid crime has not yet been completed.

Having heard the learned Counsel on either side and gone through the material available on record, it is obvious that specific allegations were made against the petitioners/Accused Nos. 1 to 3 in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the first information report.

However, considering the facts and circumstances of the case, the Criminal Petition is disposed of, directing the investigating agency to proceed with the investigation, however, without arresting the petitioners/Accused Nos. 1 to 3 in the above crime, till the investigation is completed and charge sheet is filed. The petitioners/Accused Nos. 1 to 3 shall appear before the investigating agency as and when required/summoned during the course of investigation and cooperate with the investigating agency for early completion of the investigation.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE ANIS

DATED 28TH SEPTEMBER, 2016.
Note: CC by tomorrow
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