

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 12799 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Cr.No. 152 of 2016 on the file of Station House Officer, Police Station, Tallada, Khammam District, registered for the offences punishable under Section 420 IPC.

Heard the learned counsel appearing for the petitioners/Accused Nos. 4 and 5, and the learned Additional Public Prosecutor, representing the State.

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. 4 and 5 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 and as requested by the learned counsel for the petitioners, the Criminal Petition is disposed of, directing the investigating agency to proceed with the investigation, however, without arresting the petitioners/Accused Nos.4 and 5, if not already arrested, in the above crime, till the investigation is completed and the charge sheet is filed. It is needles to observe that in case if the

petitioners/Accused Nos. 4 and 5 are not arrested as of today, and since the Investigating agency is directed not to arrest them till charge sheet is filed, the petitioners/Accused 4 and 5 shall appear before the investigating agency as and when required during 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.

DATED 8th September, 2016.
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JUSTICE M.S.K. JAISWAL

