

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5749 OF 2016

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ORDER:

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This petition is filed by the petitioners-accused Nos.1 to 3 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.123 of 2015 on the file of Makavarapalem Police Station, Visakhapatnam District, registered for the offence punishable under Sections 467, 468, 471 and 420 r/w 34 IPC.

Heard and perused the material available on record.

Petitioner No.3 is the father of petitioners 1 and 2. The de facto complainant is the younger brother of the 3rd petitioner. It is alleged that the father of the de facto complainant and the 3rd petitioner died intestate leaving ancestral property. The 2nd respondent, 3rd petitioner, their sister and mother are entitled to the said property. The 2nd respondent requested the 3rd petitioner to look after the affairs of share of his property. Recently, the 2nd respondent came to know that the petitioners fraudulently obtained passbooks and 10(1) adangal in their names by manipulating the records and cheated the 2nd respondent.

Learned Counsel for the petitioners submitted that the present complaint has arisen out of the disputes between the brothers in respect of the property.

Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is not inclined to grant the relief sought by them. However, 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 to appear before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioners are directed

to appear before the investigating agency and give an undertaking as to their future appearance as and when required for the purpose of investigation.

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

JUSTICE RAJA ELANGO

Date : 21.4.2016

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DATED 21.4.2016

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