

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.15566 OF 2014

ORDER:

This petition is filed by the petitioners-accused under Section 482 Cr.P.C. seeking to quash the proceedings against them in FIR No.77 of 2013 on the file of the Kanigiri Police Station, Prakasam District, registered for the offence punishable under Sections 423, 424, 465, 467, 474, 120-B IPC.

Heard and perused the material available on record.

A1 is the brother of the de facto complainant and A2 is the son A1. It is alleged that the mother of the de facto complainant executed a will in respect of her property in favour of the de facto complainant and subsequently, the mother of the de facto complainant died. After her death, the Will came into existence. The de facto complainant sold away the said land to one Shaik Khaja Hussain. On coming to know about the transaction, A2 got filed a suit through A1 for partition and the same is pending. While so, A1 executed a fabricated document in favour of A2 in respect of the property in question and the accused are threatening the 2nd respondent to leave the property to them. Hence, the 2nd respondent filed a private complaint before the Judicial Magistrate of First Class, Kanigiri. As the same was referred to the police, the above crime was registered.

Learned Counsel for the petitioners submitted that civil litigations are pending between the parties and that the allegations made against the petitioners are civil in nature.

Considering the facts and circumstances of the case and the allegations made against the petitioners in the complaint, this Court is not inclined to grant the relief sought by the petitioners.

At this stage, the learned Counsel for the petitioners submitted that due to pendency of the above crime, the petitioners apprehend arrest.

This Petition was filed in the year 2014. No stay was granted by this Court earlier. The stage of the investigation in the above crime was not informed. However, in view of the above submission, the 1st respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioners. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioners for the purpose of investigation. On issuance of such notice, the petitioners are directed to appear before the investigating officer 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 pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 30.3.2016

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-
-
-
-
-
-
-

CRIMINAL PETITION No.15566 OF 2014

DATED 30.3.2016

Nn