

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2462 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in Crime No.9 of 2016 of Narsingi Police Station, Cyberabad registered for the offences punishable under Sections 406, 418, 420, 468 and 471 IPC.

Heard the learned counsel for the petitioners and the learned Public Prosecutor and perused the material available on record.

The present complaint arose out of a private complaint filed by the respondents 2 and 3 before the XXIII Metropolitan Magistrate, Cyberabad at Rajendranagar, who forwarded the same under Section 156 (3) Cr.P.C. to the police and on the basis of said complaint, the crime was registered for the alleged offences. Admittedly, the learned Magistrate has not followed the procedure prescribed while forwarding the complaint to the police. The entire allegations arise out the dispute regarding the properties between the parties concerned. Whether the petitioner has committed the alleged offences or not will be decided only during the course of investigation and the same cannot be decided at this stage.

Having regard to the facts and circumstances of the case and in view of the nature of the offences alleged, this Court is not inclined to interfere with the proceedings invoking the jurisdiction under Section 482 Cr.P.C. At this stage, the learned counsel for the petitioner stated that the petitioner is apprehending of his arrest in view of pendency of the above crime.

Considering the request of the petitioner, the Narsingi Police are directed to complete the investigation without arresting the petitioner and file the final report before the Court. The police are further directed to issue notice to the petitioner to appear before them for the purpose of investigation and on such notice, the petitioners are directed to appear before the police for investigation as and when required by giving an undertaking for his future appearance in connection with the investigation.

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

RAJA ELANGO, J

Date: 26-02-2016

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