

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2920 OF 2016

ORDER:

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This petition is filed by the petitioners-A1 and A2 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.15 of 2016 on the file of Bantumilli Police Station, Krishna District, registered for the offence punishable under Sections 120-A, 120-B, 423, 427, 461, 463, 465, 468, 420, 471 r/w 34 IPC.

Heard and perused the material available on record.

It is alleged that the 2nd respondent-complainant is the half share holder in the family property and A1 is another half share holder in the said property. While so, A1 and four others created false documents in order to grab the property of the 2nd respondent. On the private complaint filed by the 2nd respondent, the same was referred to the police and the police registered the above crime against the petitioners.

Learned Counsel for the petitioners submitted that the above complaint has arisen out of family disputes and that the 1st petitioner filed a suit against the 2nd respondent and the same is pending and without contesting the same, she filed the private complaint in order to blackmail the petitioners. He further submitted that the allegations made in the complaint are civil in nature and that the learned Magistrate without considering the allegations made in the complaint and without following the judgment of the Apex Court, referred the private complaint to the police.

Considering the facts and circumstances of the case and the allegations made 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 the pendency of the above crime, the petitioners apprehend arrest and harassment in the hands of the 1st respondent-police.

In view of the above submission, 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 for their appearance before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioners shall appear before the investigating agency and give an undertaking as to their future appearance as and when required by the investigating agency for the purpose of investigation.

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

JUSTICE RAJA ELANGO

Date : 8.3.2016

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DATED 8.3.2016

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