

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 11426 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in Cr.No.185 of 2016 on the file of Station House Officer, Police Station, Air Port, Visakhapatnam, registered for the offences punishable under Sections 417 and 420 read with Section 120-B IPC.

Heard the learned counsel appearing for the petitioners/Accused Nos. 3 and 4, and the learned Additional Public Prosecutor, representing the State.

It is submitted by the learned Counsel for the petitioners that with respect to the very same crime, Accused Nos. 1 and 2 filed Criminal Petition No. 9697 of 2016 seeking to quash the proceedings and this Court by order dated 5.7.2016, dispensed the presence of Accused Nos. 1 and 2 before the Investigating Agency till the completion of investigation while directing the investigating agency to proceed with the investigation.

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. 3 & 4 also in the complaint. In view of the same, 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.

In 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. 3 & 4 in the above crime, till the investigation is completed and the charge sheet is filed. The petitioners/Accused 3 & 4 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.

JUSTICE M.S.K. JAISWAL

DATED 4th AUGUST, 2016.
Msnrx