

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4860 OF 2016

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ORDER:
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This Criminal Petition is filed by the petitioners-A1 to A4 under Section 482 Cr.P.C., seeking to quash the proceedings against them in Crime No.47 of 2016 on the file of Ananthapalli Police Station, West Godavari District, registered for the offence punishable under Sections 447 and 379 r/w 34 IPC.

Heard and perused the material available on record.

It is alleged that the petitioners criminally trespassed into the maize fields of the 2nd respondent and committed theft of maize crop worth Rs.1,50,000/-.

It is the case of the petitioners that the 2nd respondent was never in possession of the property in question and that the petitioners filed a suit in respect of the property in question and in order to defeat the rights of the petitioners, the 2nd respondent filed a false complaint against them.

The truth or otherwise of the allegations and the counter-allegations is to be ascertained by the investigating agency and therefore, this Court is not inclined to interfere with the proceedings in the above crime.

At this stage, the learned Counsel for the petitioners submitted that due to pendency of the above crime, the petitioners apprehend arrest and harassment in the hands of the 1st respondent-police concerned.

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 : 7.4.2016

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DATED 7.4.2016

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