

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13391 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in PRC.No. 8 of 2016 pending adjudication on the file of learned XIII Metropolitan Magistrate, Cyberabad, at L.B.nagar, arising out of Cr.No. 311 of 2014 on the file of Station House Officer, Police Station, Ghatkesar, registered for the offences punishable under Sections 447, 427, 436 read with Section 34 IPC.

Heard learned counsel appearing for the petitioner/Accused Nos. 4 and 5 and learned Additional Public Prosecutor, representing the State.

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. 4 and 5 in the complaint. This is a matter which requires investigation by the police and trial by the Court. 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 proceedings in the aforesaid PRC.

It is submitted that the petitioners/Accused Nos. 4 and 5 appeared before the police pursuant to the notice of appearance issued in terms of Section 41-A Cr.P.C. and thereafter, the police filed charge sheet into the Court and that thereafter, the petitioners/Accused Nos.4 and 5 were found absconding.

Originally there are six accused and during the course of investigation¹, the non-petitioners/A1 to A.3 were served with notice under Section 41-A and they were appeared before the Investigating Agency. After completion of investigation, charge sheet is filed against the non-petitioners/A.1 to A.3. Insofar as the petitioners/A.4 and A.5 and the other non-petitioner/A.6 are concerned, they were shown as absconding in the charges sheet. In the charge² sheet, at last paragraph, the investigating agency stated that they have reserved right to arrest A.4 to A.6 and file supplementary charge sheet.

Considering these 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 strictly following the parameters laid down under Section 41-A Cr.P.C as well as the guidelines formulated by the Apex Court in the case of *Arnesh Kumar v. State of Bihar and another* (Crl.Appeal No.1277 of 2014).

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 23rd September, 2016.
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