

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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CRIMINAL PETITION No.7938 OF 2016

ORDER:

This Criminal Petition is filed by the petitioners – A3 and A4 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.306 of 3015 on the file of Tanuku Town Police Station, West Godavari District, registered for the offences punishable under Sections 420, 467, 468, 475 and 120-B I.P.C.

Heard and perused the material available on record.

It is alleged that A1 purchased land in an extent of Ac.2-18 cents in R.S.No.60/1 of Tanuku Town in the name of A2 and the petitioners herein. A1 made a lay out in the said land and sold it to various innocent people by making plots. A1 is alleged to have sold four plots in favour of LWs.4 to 7. Respondent No.2 entered into agreement with LWs.4 to 7 for building a house in the said plots. When he was about to start construction, the municipal authorities prevented him on the ground that there was no approval for the lay out. On enquiry, respondent No.2 came to know that A1, A2 and the petitioners herein conspired and cheated the municipality by producing fake documents and caused wrongful loss to the Government.

Learned counsel for the petitioners submits that it is not the case of respondent No.2 that the petitioners

caused any wrongful loss to him and that the private complaint filed by respondent No.2, on which basis the above crime was registered, was referred to the police by the Magistrate without following the procedure under Section 156 (3) Cr.P.C.

Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is not inclined to grant the relief sought for by the petitioners- A3 and A4. However, 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, police are directed to issue notice to the petitioners for the purpose of investigation. On issuance of such notice, 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, the Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M.S.K. JAISWAL, J

June 13, 2016
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