

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.4079 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-2 in Crime No.62 of 2016 of Radurgam Police Station, Cyberabad, Ranga Reddy District, registered for the offences punishable under Sections 406 and 420 IPC.

Heard the learned counsel for the petitioner/A-2 and the learned Public Prosecutor and perused the material on record.

Admittedly, the offences alleged in the above crime are under Sections 406 and 420 IPC and the alleged incident occurred arising out of a Development agreement-cum-Irrevocable General Power of Attorney entered into between the husband of the de facto complainant and A-1 and the name of the petitioner was arrayed as A-2 in the alleged crime. A perusal of the complaint would reveal that specific overt acts attributable to the petitioner and A-1 have been made, the truth or otherwise of which can be determined only after due investigation by the investigating agency and the same cannot be determined at the investigation stage.

Having regard to the facts and circumstances of the case and also in view of the nature of offences alleged against the petitioner are serious in nature, this Court is not inclined to interfere with the proceedings against the petitioner/A-2. However, in view of submission of the learned counsel for the petitioner that the petitioner/A-2 apprehend arrest due to pendency of the above crime, the concerned Police is directed to complete the investigation without arresting the petitioner/A-2 and file final

report in accordance with law. In the event of necessity, the police concerned are at liberty to issue a notice to the petitioner for the purpose of investigation and on receipt of such notice the petitioners/A-2 shall appear before the police and cooperate with the investigating agency. In the event of failure on the part of the petitioners/A-2 to appear before the police on receipt of such notice, the police are at liberty to approach this Court for recalling the present order.

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

RAJA ELANGO, J

Date: 28-03-2016

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