

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.3189 of 2017

ORDER:

The present petition is filed by the petitioners/accused Nos.1 and 2 under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') to quash the First Information Report in Crime No.59 of 2017 of Pahadisharief Police Station, Rachakonda District.

The petitioners alleged to have committed the offences punishable under Sections 420, 468, 471, 447 and 506 IPC.

Heard Sri T.Prasanna Kumar, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

The main submission of the learned counsel for the petitioners is that there is no allegation worth the name in the direction of incriminating material against the petitioners. He has drawn the attention to a portion at page No.8 of the material papers, which is the 2nd page of the complaint. According to the learned counsel, mere apprehension is entertained by the *de facto* complainant-2nd respondent herein, in which case, certainly, the investigation would amount to the abuse of process of law. Learned counsel would also submit that the petitioners were already enlarged on bail.

Learned Additional Public Prosecutor for the State of Telangana would resist the request of the petitioners. He has drawn the attention to the allegations in the first page of the complaint.

A perusal of the first page of the complaint would clearly show the allegation that the petitioners along with five other persons demanded the *de facto* complainant to pay Rs.50,00,000/- threatening with dire consequences. There is yet another paragraph in the second page of the complaint, which the learned counsel for the petitioners has also read, in regard to the unregistered documents and the validation of the notary sale deed document and one Abdul Gaffar, who is accused No.5, and Md. Afzar Khan, who is accused No.6, alleged to have given G.P.A in favour of accused No.7. In such an event, certainly, the investigation has to go on to unravel the truth and the Investigating Officer shall proceed with the investigation as per the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹, affording an opportunity to the petitioners to place the material, if any, before the Investigating Officer.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous petitions, if any, pending in the Criminal Petition stand closed.

A.SHANKAR NARAYANA, J

Date: 19.04.2017
v v

¹ (2014) 8 SCC 273