

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.8452 of 2010

ORDER :

Heard the learned counsel for the petitioner/ A.1 in Cr.No.124 of 2009 on the file of the II Town Police Station, Nellore, registered for the offences punishable under Sections 466,420 and 167 IPC on the report of the 2<sup>nd</sup> respondent/ defacto-complainant and the learned Public Prosecutor for the 1<sup>st</sup> respondent-State and also the learned counsel for the 2<sup>nd</sup> respondent and perused the grounds urged in the quash petition and also the private complaint of the defacto-complainant dt.24.07.2009 filed on 18.06.2009 referred to the police by the learned Magistrate for investigation u/ sec.156(3) CrPC, for registering the crime.

From the material available on record, though it is one of the contentions that the said crime vide Cr.No.247 of 2001 was registered on 29.11.2001 but the private complaint filed was on 18.06.2009 with a delay of nearly 8 years and the proceedings are liable to be quashed. In fact, on perusal of the material shows, it is a fraud played by the Sub Inspector and Head Constable who are the A.1 and A.2 in reproducing the contents of the report in making G.D.entry of the original crime (Cr.No.247 of 2001) and creating some other material to help the accused of the said crime by fabrication of the record.

Having regard to the above, it requires investigation thereby for this Court there is nothing to quash the proceedings of the Cr.No.124 of 2009 interdicting the investigation, however pending

investigation, the petitioner/ A.1 shall not be arrested but for securing presence for the purpose of investigation.

In the result, the Criminal Petition is disposed of. Consequently, pending miscellaneous petitions, if any, shall stand closed.

Date:30.08.2017  
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Dr. B.SIVA SANKARA RAO J,

