

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9564 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 and A2 of Crime No.689 of 2017, dated 11.09.2017, of Renigunta Urban Police Station, registered on the report of the 2nd respondent- no other than their sister of 1st petitioner and 2nd petitioner is husband of 1st petitioner and the crime registered is for the offences punishable under Sections 420, 467, 468, 120(B) r/w 34 IPC, with the allegation that the alleged will dated 20.02.1999, as if executed by their father in favour of the 1st petitioner is a forged and fabricated by claiming as if it is genuine to cheat the defacto complainant and other family members, who are the issues of late Gangireddy.

2. In fact, a perusal of the record shows there is already civil suit O.S.No.405 of 2015 filed by the 1st petitioner herein against the defacto complainant as D1 among other two sisters D2, D3 for permanent injunction claiming possession based on the alleged will and one of the issues is whether plaintiff is in possession and the will set up is true, valid and enforceable if so entitled to permanent injunction as the case may be.

3. Having regard to the above and from the contention that it is long after filing of the suit and filing of written statement

under contest of the suit under trial, the report is engineered to trouble the petitioner.

4. Having regard to the above, there is nothing to interdict the investigation, it no way a bar even for registration of crime for the police to investigate, however, pending investigation, petitioners shall not be arrested, however, it will not prevent the police to secure the presence of the petitioners, as and when required, for purpose of investigation. All defenses of the petitioners are left open.

5. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

12.10.2017
SS

DR.B.SIVA SANKARA RAO, J