

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

CRIMINAL PETITION No.7671 OF 2017

ORDER:

Heard learned counsel for the petitioner/A1 of Crime No.305 of 2017 of P.S.Jangaon, Warangal District, registered for the offences punishable under Sections 120-B, 467, 420, 424, 405, 406 and 409 IPC, which is outcome of the private complaint of the 2nd respondent – defacto complainant, referred to the police by the learned Magistrate under section 156(3) of Cr.P.C. and also perused the grounds urged in the quash petition and the contents of the said private complaint with sworn affidavit and mention of the private complaint about the sending of the complaint to police earlier with no action including registered acknowledgments received from the superior police officers.

2. It is one of the contentions of the counsel for petitioner that besides the penal consequences sought for are barred by limitation of the offences. It is already there is a finding by the Junior Civil Judge, Janagon in O.S.No.234 of 2001 in this regard with regard to the alleged forgery and fabrication in the lifetime of the husband of the defacto complainant, who did not chose to take recourse and the complaint for the delay itself is an abuse of process of the civil litigation bringing criminal flavour liable to be quashed.

3. Whereas it is the submission of the learned public prosecutor that there is a prima facie acquisition from reading of the private complaint with sworn affidavit and the offences punishable above three years, there is no limitation and to unearth the truth, there is nothing to interdict the investigation.

4. Having regard to the above, this criminal petition is disposed of, for nothing to admit or keep pending, but for pending investigation, the petitioner shall not be arrested, however, that does not prevent the police to secure his presence as and when required for purpose of investigation. All defenses of the petitioner are left open thereafter.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

14.09.2017

SS