

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1887 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the First Information Report in Crime No.9 of 2017 of Nampalli Police Station, Nampalli, Nalgonda District.

2. The petitioner, who is arraigned as accused No.2 in the aforesaid Crime, alleged to have committed the offence punishable under Section 370 I.P.C.

3. Heard Sri Karunakar Reddy, learned counsel for the petitioner, and learned Additional Public Prosecutor for the State of Telangana.

4. The main submission of the learned counsel for petitioner has been that the petitioner has nothing to do with the so called adoption between accused Nos.1 and 3 and he is only the owner of the house, in regard to which the Adoption Deed has been written and the tenants figured as witnesses, and merely because, he is the owner of the said house, a false case was foisted against him implicating him in the said offence. Learned counsel also refers to the Adoption Deed. It is also his submission that there is nothing on record proving complicity of the petitioner in the commission of said offence.

4. Learned Additional Public Prosecutor resists the request and has read the Remand Case Diary, whereunder, accused No.1 was remanded and there are allegations targeting the present petitioner also. This apart, confessional panchanama of accused No.1, conducted by the Investigating Officer, who is the Sub-Inspector of Police, In-charge Nampalli Police Station, is filed and it reflects, at this stage, complicity of the petitioner in the commission of said offence, since, accused No.1, in fact, approached the petitioner at Hyderabad and the petitioner lured accused No.1 that an amount of Rs.3,000/- would be given and got paid the same through one Narsimha and his wife, and the said Narsimha is no other than accused No.3, according to the arguments advanced by both sides. Therefore, it cannot be said that there is no allegation worth the name in the direction of showing complicity of the petitioner in the commission of said offence. The crime is at investigation stage and truth is yet to be unravelled. Hence, it is not a fit case where conducting investigation can be viewed as abuse of process of law, as sought to be viewed by the petitioner.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 08, 2017.
MD