

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3127 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), requesting to quash the First Information Report in Crime No.243 of 2016 of Gadwal Town Police Station, Mahabubnagar District.

The petitioners, who are arraigned as accused Nos.1 to 3 in the aforesaid Crime, alleged to have committed the offences punishable under Sections 419, 420, 468 and 471 IPC.

Heard Sri R.Prasad, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

Learned counsel for the petitioners would plead innocence and false implication of the petitioners and his submission is that the complaint is very vague without any details and, in view of the same, it cannot be said that the allegations make out a case of commission of a cognizable offence and, therefore, sought to quash the First Information Report in the aforesaid Crime.

Learned Additional Public Prosecutor for the State of Telangana would resist the request of the petitioners.

A perusal of the complaint filed by the *de facto* complainant would clearly show that in the passbook, on the photograph of the *de*

facto complainant, the photograph of one of the petitioners was stappled and, by using the same, the petitioners mortgaged the property belonging to the *de facto* complainant and obtained loan. In the presence of such a serious allegation, it cannot be said that investigation into the present crime would amount to the abuse of process of law.

Accordingly, the Criminal Petition is dismissed. However, the Investigating Officer is directed to follow the procedure inlaid by the provisions of Section 41A of the Code and also the directions issued by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

April 21, 2017.
v v

A. SHANKAR NARAYANA, J

¹ (2014) 8 SCC 273