

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2866 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in FIR.No.29 of 2011, dated 07.03.2011 on the file of Pamarru Police Station, Krishna District.

2. Heard the counsel for the petitioner; Public Prosecutor appearing for the 1st respondent; and the counsel appearing for the 2nd respondent.

3. The counsel for the petitioner submits that the petitioner is an Archaka and that this case is filed only to tarnish his reputation. But a perusal of the complaint shows that the allegations in the complaint constitute the alleged offences.

4. The contention of the counsel that there was a settlement deed between the parties by virtue of which the land, in respect of which the offences are committed, is given to the complainant. But a perusal of the complaint shows that the very genuineness of the said document is put to question by contending that it is a forged document. Hence, unless the truth of the genuineness of the document is gone into, it cannot be said that it is a false complaint.

5. This court opines that, at this stage, this is not a fit case for quash and certainly investigation is required to bring out the truth of the facts.

6. Hence, the Criminal Petition is dismissed. The police are, however, directed to follow the guidelines enunciated by the Supreme Court in *Arnesh Kumar v. State of Bihar and another* (Crl.Appeal No.1277 of 2014)¹, while arresting the petitioner.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 6, 2017
LMV

T. RAJANI, J



¹ (2014) 8 SCC 273