

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.15273 of 2016

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1,4 & 5, respectively, requesting to quash the First Information Report in Crime No.370 of 2008 of Asifnagar Police Station, Hyderabad.

The petitioners along with accused Nos.2 and 3, who are the parents of accused No.1, alleged to have committed the offences punishable under Sections 406 and 506 read with 34 IPC.

Heard Sri H.Sudhakar Rao, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

Learned counsel for the petitioners would submit that earlier against accused Nos.2 and 3, a case in C.C.No.1469 of 2008 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad, ended in acquittal after full-fledged trial. Learned counsel for the petitioners would also submit that since the petitioners herein were not available at the time of closure of investigation, the Investigating Officer filed charge sheet only against accused Nos.2 and 3 reserving his right to file supplementary charge sheet so far as the present petitioners are concerned and that that has been the reason why the petitioners have come before this Court for quashment of the First Information Report. Learned counsel also placed a copy of the

judgment, dated 16.05.2013, passed by the VI Additional Chief Metropolitan Magistrate, Hyderabad, in C.C.No.1469 of 2008.

As could be seen from the appendix of evidence in the judgment, dated 16.05.2013, in the said Calender Case, the *de facto* complainant was not examined, but two panchayatdars and the Investigating Officer were examined and Exs.P1 to P3 were marked. Therefore, just basing on this judgment, the present First Information Report cannot be quashed. However, since the Investigating Officer has to still file the supplementary charge sheet against the petitioners herein, he may take into consideration the judgment, dated 16.05.2013, passed by the VI Additional Chief Metropolitan Magistrate, Hyderabad, in C.C.No.1469 of 2008, and other material, if the petitioners intend to place before him, while collecting evidences.

With the above observation, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

A.SHANKAR NARAYANA, J

Date: 27.03.2017

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