

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4853 of 2017

ORDER :

Heard the learned counsel for the petitioner/ A2 of Crime No.91 of 2017 of Nampally Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 406 I.P.C. which is outcome of the private complaint of 2nd respondent referred to police for investigation by order of the learned Magistrate dated 25.03.2017 and the learned Public Prosecutor representing the State before ordering notice to respondent No.2 and perused the grounds urged in the Criminal Petition and the interim order passed by this Court on 27.06.2017 is from the say by the learned counsel for the petitioner/ A2 as if there is no compliance of mandatory requirements as per the expression of the Apex Court for referring the private complaint to police for investigation by the learned Magistrate.

In fact, a perusal of Page Nos.20 and 21 of the material papers filed by the petitioner in seeking the quashment is crystal clear about the filing of the affidavit from the office objection taken and giving of the police report as document No.24 and postal receipt and proof of sending of the same. Once such is the case and the affidavit is filed after office objection dated 15.02.2017 by compliance on 06.03.2017, the interim order no

way survives to continue. However, from the fact that the offences are not punishable above seven years and the investigation is required in the case, even from the several contentions raised with reference to the contents of the F.I.R. covered by the private complaint, this Court dispose of the Criminal Petition instead of dismissal from the say that it is an inadvertence and not a willful suppression of material fact, the Police are directed not to arrest the petitioner/ A2 pending investigation. However, it will not prevent the Police to secure the petitioner/ A2 for the purpose of investigation as and when required.

Accordingly, the Criminal petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:12-10-2017
pab

Dr. B. SIVA SANKARA RAO, J