

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6590 OF 2017

ORDER:

Heard learned counsel for the petitioners and also learned Public Prosecutor, representing 1st respondent – State, before ordering notice to 2nd respondent/defacto complainant and perused the grounds urged in the petition seeking to quash the Crime No.76 of 2016, on the file of Krosuru Police Station, Guntur District, pending investigation for the offences punishable under Sections 447, 427, 324, 506 r/w 34 IPC.

2. It is the submission of the learned counsel for the petitioners that this is nothing but a counter blast to Crime No.75 of 2016 of even date, registered for the offences 324, 506 r/w 34 IPC on the report of the 1st petitioner as defacto complainant and out come of Civil litigation covered by O.S.No.699 of 2011 on the file of the Principal Senior Civil Judge, Guntur, decreed in favour of the petitioner and the 2nd respondent – defacto complainant herein filed ATC No.3 of 2012 on the file of the Special Officer for AP Tenancy Tribunal-cum- Principal Junior Civil Judge, Sattenapally, to declare him as tenant that was also dismissed.

3. It is premature for this Court pending investigation to come to any conclusion as the matter is already under investigation for the past one year, there is nothing at this stage to interdict the investigation but for remedy if at all left open to the petitioner after completion of investigation if at all any cognizance taken by

Magistrate and aggrieved, to pursue the other remedies. Needless to say, none of the offences are punishable above seven years and the police strictly shall follow Section 41A of Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹.

4. Accordingly and with the above direction, this criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

01.08.2017
SS

DR.B.SIVA SANKARA RAO,J



¹ 2014 (5) SCC 324