

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

CRIMINAL PETITION No.9735 OF 2017

ORDER:

Heard learned counsel for the seven petitioners/accused respectively of Crime No.308 of 2017 of P.S.Kothur, Ranga Reddy District, registered for the offence punishable under Section 420 r/w 34 IPC, on the report of the 2nd respondent – defacto complainant and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to 2nd respondent – defacto complainant.

2. Perused the grounds urged in the quash petition and the contents of the FIR and other material on record.

3. The contention is that what the land allegedly visited by the defacto complainant in the possession of one Bandaru Rambabu is different from the land sold by the 1st petitioner etc., to the defacto complainant and registered sale deeds. Even the prayer in the report shows it requires survey, thereby, it is a dispute of civil nature. In fact, it is a matter to be investigated by police. Hence, there is nothing to interdict the investigation, but for to say, petitioners shall submit all the documents to the police during investigation to consider as part of the investigation material, apart from, they are entitled to the concession of Section 41A Cr.P.C. for none of the offences are punishable above seven years and in the

event of any necessity of arrest of the petitioners, the police shall strictly follow section 41A Cr.P.C. and the guidelines laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***¹. The police during investigation shall cause survey the land and identify the property with reference to the sale deeds of the defacto complainant.

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.

24.10.2017
SS

DR.B.SIVA SANKARA RAO, J



¹ 2014 (5) SCC 324