

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2948 of 2011

ORDER:

The criminal petition is filed by the petitioner seeking for quash of the proceedings in Cr.No.101 of 2011 dated 10.03.2011 on the file of Nandigama Police Station, Krishna District.

2. Heard counsel for the petitioner and the learned Public Prosecutor, who takes notice for R1. The second respondent does not appear in spite of notice.

3. The counsel for the petitioner contends that it is purely a civil dispute and that the further proceedings in the crime would only result in abuse of process of law.

4. A perusal of the complaint, however, shows that there are several allegations made against the petitioners, apart from the allegations which pertain to civil dispute. That A2 came to the house and committed theft of documents i.e. agreement of sale, which is executed in favour of the complainant, is also one of the allegations and there are also allegations that she caught hold of the throat of the complainant and A1 to A3 beat him.

5. Hence, when such are the allegations, it cannot be said that it is purely a civil dispute. A civil dispute may give rise to criminal offence. Unless the truth of the allegations are gone into and adjudicated, the proceedings cannot be terminated.

6. At this stage, the counsel for the petitioners submits that the petitioners are old aged and requests that they may be protected from arrest. The request of the counsel for the petitioners can be taken care of by directing the police to follow the guidelines in ARNESH KUMAR v. STATE OF BIHAR¹.

With the above observation, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 14, 2017
DSK

T. RAJANI, J



¹ (2014) 8 SCC 273