

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9864 OF 2017

ORDER:

Heard the learned counsel for the petitioner/accused of Crime No.51 of 2017 of Marpally Police Station, Vikarabad District, registered for the offences punishable under Sections 409 and 420 I.P.C., which is outcome of the private complaint of the 1st respondent/de facto complainant dated 28.03.2017, referred to police for investigation by the learned Magistrate concerned, for registration of crime and also heard the learned Public Prosecutor representing the State before ordering notice to the 1st respondent and perused the grounds urged in the quash petition and the private complaint from which the F.I.R. registered.

The main contentions in the grounds of the quash petition are that it is a mortgage and the de facto complainant allegation four years after execution of registered mortgage, as if, it was General Power of Attorney and he was cheated or deceived is unsustainable and the offence under Section 409 I.P.C. is no way apply, so also, of Section 420 I.P.C.

Having regard to the above, though the matter requires investigation otherwise from perusal of the material, the arrest of the petitioner can be dispensed with pending investigation. Hence, the police are directed to proceed with the further investigation and the petitioner/accused shall not be arrested pending

investigation. However, this will not prevent the Police to secure his presence for the purpose of investigation as and when required.

Accordingly, the Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27-10-2017
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