

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.13152 OF 2011

ORDER:

This Criminal Petition is filed by the petitioners/A-1 and A-2, under Section 482 of Cr.P.C., to quash proceedings against them in Crime No.94 of 2011 of Mahadevpur P.S. of Karimnagar District, registered for the offences under Sections 409, 420, 423 and 425 of I.P.C.

2. When the matter came up for hearing, Sri G.Madhusudhan Reddy, learned counsel for the petitioners/A-1 and A-2, without insisting for quashment, would request the Court that an order in terms of Section 41-A Cr.P.C. may be passed, and the petitioners/A-1 and A-2 would abide by the same.

3. This Court perused the F.I.R., which is registered for the aforesaid offences.

4. The grievance of the complainant is that, when the complainant was under the exclusive management of the complaint mentioned property, A-1 to A-3 conspired together and created forged documents with the help of A-4. Having regard to the nature of the complaint allegations, it is highly doubtful whether the offence under Section 409 I.P.C. could be attracted. The other offences are punishable with a term either seven (7) years or less than seven years. Therefore, the request of the learned counsel for the petitioners/A-1 and A-2 can be considered.

5. In the result, the Criminal Petition is disposed of with a direction to the Investigating Officer to complete the investigation expeditiously. However, during the course of investigation, the Investigating Officer shall scrupulously adhere to the guidelines rendered by the Hon'ble Apex Court

in ***Arnesh Kumar Vs. State of Bihar***¹ and also follow the provision under Section 41-A Cr.P.C. During the course of investigation, the petitioners/ A-1 and A-2 in turn are directed to co-operate with the investigating agency for smooth completion of investigation.

As a sequel, miscellaneous petitions if any, pending, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 06.08.2018.

Note:

Registry to mark the C.C. to the S.H.O., Mahadevpur P.S. of Karimnagar District.

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¹ 2014 (2) ALT (Crl.) 457 (SC)

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