

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3515 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioners/A1 & A2 seek to quash the proceedings against them in Crime No. 59 of 2018 of Lalapet Police Station, Guntur Urban, Guntur, registered for the offences under Sections 447, 465, 467, 468 & 506 read with Section 34 IPC.

Investigation is reported to be pending.

The submission of learned counsel for petitioner is that in respect of the property in dispute, the mother of petitioner No. 1 has already filed O.S.No. 123 of 2018 on the file of I Additional Junior Civil Judge, Guntur and obtained the interim injunction against the de-facto complainant and others. Added to it, when inspite of the injunction the de-facto complainant and his henchmen tried to interfere with the disputed property, the mother of petitioner No. 1 lodged a report before the Lalapet Police Station, which was registered in FIR No. 54 of 2018 dated 11.3.2018 and investigation is pending therein. Learned counsel would submit that as a counter blast, the de-facto complainant lodged a false report, which is registered in FIR No. 59 of 2018 with all false allegations and on this submission he sought for quashment of proceedings.

As can be seen, the present FIR No. 59 of 2018 and FIR No. 54 of 2018 appear to be case and counter. Whose version is true can only be known after

investigation is completed. The investigation in both the matters appears to be in the nascent stage.

In that view of the matter, this Court is not inclined to quash the proceedings. Investigation in both the matters shall lead to logical conclusion. However, the police are directed to strictly follow the procedure contemplated under Section 41-A Cr.P.C., towards petitioners/A1 & A2 during the course of investigation and petitioners/A1 & A2 are directed to cooperate with the investigating agency for smooth completion of investigation.

Accordingly, the Criminal Petition is disposed of. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 22.03.2018
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U.DURGA PRASAD RAO, J

