

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.9532 of 2011

ORDER:

The criminal petition is filed seeking quash of the proceedings in Cr.No.314 of 2011, against the petitioner, who is A1, on the file of the Station House Officer, Raidurgam Police Station, Cyberabad. The offences alleged are under Sections 420, 468 and 471 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the first respondent.

3. The allegation against the petitioner is that he filed some documents in WP.No.23181 of 2008, which were found to be fabricated. The said writ petition was filed against GHMC requiring direction against the respondents not to dispossess the petitioners from the land in Sy.No.91 of Gachibowli. In the process of proving the contentions made in the writ petition, the documents were filed by the petitioner, which were found to be fabricated.

4. The counsel for the petitioner submits that it is A4, who agreed to obtain all the above permissions by virtue of the MOU entered into between A1 and A4.

5. A perusal of the MOU does not show that all the documents, which are alleged to have been fabricated, were agreed to be obtained by A4 alone. The fabrication relates to LRS also and hence, unless a detailed enquiry is conducted the truth of the matter would not come

out. Hence, this Court opines that this is a case fit for trial but not for quash.

6. However, considering the request of the counsel for the petitioner, the police are directed to follow Section 41-A of the Criminal Procedure Code and the guidelines in ARNESH KUMAR v. STATE OF BIHAR¹ before effecting the arrest of the petitioner.

In the light of the above, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 10, 2018
DSK

T. RAJANI, J



¹ (2014) 8 SCC 273