

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**CRIMINAL PETITION No.3962 of 2018**

**ORDER:**

This Criminal Petition is filed by the petitioner/A1 under Section 482 Cr.P.C, seeking to quash the proceedings against him in Crime No. 13 of 2018 of Jagityal Police Station, Jagityal, registered against him and others for the offences under Sections 363, 384, 506 (ii) r/w 149 IPC.

2. The allegations in the complaint in brief are that the de-facto complainant is a resident of Sirisilla and he has some land at Jagityal and sold the same to the petitioner/A1. In connection with the said transaction on 9.1.2018 the accused telephoned him and asked him to come to Jagityal as the survey number was wrongly mentioned in the sale deed. Accordingly, the de-facto complainant along with his clerk went to Jagityal at about 1.30 pm and reached bypass road, Thatipathry in front of the petrol bunk, where A1 and others met him and asked him to wait as their counsel went for some work. Thereafter, they offered beer to the de-facto complainant. While they were taking beer, around ten people came in two and four wheeler vehicles and at the point of knife they threatened the de-facto complainant to kill him and they took him on two wheeler and make him to move around Jagityal and brought him to Jagityal around 5 pm and they took his ATM card and cell phone and the

keys of his vehicle by force and they withdrawn Rs. 44,000/- from his account in ATM. Thereafter, they took him to Bala Krishna bar opposite to new bus stop and there they obtained his signatures on empty stamp papers and they threatened him with dire consequences and left him.

3. The investigation is reported to be pending.

4. Denying the complainant allegations as false, learned counsel for petitioner would submit that the petitioner/A1 purchased the land from the de-facto complainant but the land was not available physically and therefore, when the petitioner requested the de-facto complainant to return back his amount, refusing to do so, he foisted a false case.

5. As can be seen from the complaint allegations, the allegations are grave and there is a *prima facie* accusation in the complaint. Whether the complaint allegations are truthful or not and whether a false complaint was filed when the petitioner/accused requested him to return back the amount, has to be determined only after thorough investigation. Therefore, the investigation shall lead to its logical conclusion. However, having regard to the fact that the complaint allegations have a tinge of civil dispute, the Investigating Officer shall strictly follow the guidelines rendered by the Hon'ble Apex Court in **Arnesh Kumar V. State of Bihar**<sup>1</sup> and follow the procedure contemplated under Section 41-A Cr.P.C., during the

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<sup>1</sup> (2014) 8 SCC 273

course of investigation. Petitioner/A1 is directed to cooperate with the investigating agency for smooth completion of investigation.

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

**U.DURGA PRASAD RAO, J**

Date: 12.04.2018

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Note: Furnish copy by tomorrow

