

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.5046 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

In the present petition, the petitioners are seeking to quash the proceedings initiated against them in FIR.No.82 of 2018 on the file of P.S. Chinnachowk U/G, Y.S.R. Kadapa for the offences under Sections 363, 342 and 506 read with 34 IPC.

The case of the prosecution is that the 2nd respondent herein filed a complaint on 12.03.2018 stating that on the 9th day after his father's death, the petitioners and three others attacked him at about 8.30 p.m. with knives, kidnapped and confined him in the pent house of Srikanth for three months and obtained his signatures in respect of his house situated at Shankarapuram, which was inherited from his grandfather, by threatening him showing the knives. Further, they forced him to sign on the registered documents and threatened him that if he failed to sign on the documents in the Registration office, they will kill him outside the registration office. In fact, the property worth Rs.60 lakhs, house hold articles and gold belonging to his mother were also taken away by them while occupying the house. Therefore, he lodged a complaint before the Circle Inspector,

Chinnachowk Police Station, Kadapa, on 12.03.2018 i.e., nearly 1½ year after the said incident.

Perusal of the complaint would not inspire confidence that such an incident has happened. In the complaint there is no whisper that immediately after coming up of the confinement he lodged any complaint with anybody. This aspect shows any amount of doubt on the allegations made in the complaint. Be that as it may, a perusal of the complaint shows that the allegations made therein are very serious in nature. However, this Court cannot go into the truth or otherwise of the said allegations.

In these circumstances, this Court is of the opinion that the proceedings cannot be stalled. However, the 1st respondent is directed to conduct the investigation. During the investigation, if the presence of the petitioners is required, the investigating agency may invoke the procedure as contemplated under Section 41A Cr.P.C.

With the above directions, the criminal petition is disposed of. No costs.

Miscellaneous petition, if any, shall also stand disposed of.

P. KESHAVA RAO, J

Date: 30.04.2018.
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