

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.628 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioners/A.1 and A.2 to call for the records relating to Crime No.8 of 2019 of Gachibowli Police Station, Cyberabad, registered for the offences punishable under Sections 188, 120B, 427, 447, 420 and 506 IPC and quash the same.

2. Heard Sri Karri Murali Krishna, learned counsel for the petitioners/A.1 and A.2, the learned Additional Public Prosecutor appearing for the 1st respondent-State and Sri T.Bala Mohan Reddy, learned counsel appearing for the 2nd respondent/*de facto* complainant. Perused the record.

3. It has been vehemently contended by the learned counsel for the petitioners/A.1 and A.2 that on the date of alleged offence i.e., on 03.01.2019 the petitioner/A.1 was at Thailand and petitioner/A.2 was at Zaheerabad; that the whole prosecution story is false and ultimately, prayed to quash the proceedings against the petitioners/A.1 and A.2 in the aforesaid crime.

4. The truth or otherwise of the allegations in the aforesaid crime are required to be established in the course of investigation. It is evident from the record, the offences alleged against the petitioners/A.1 and A.2 are punishable under Sections 188, 120B, 427, 447, 420 and 506 IPC. The punishment prescribed for the said offences is seven (7) years and below.

5. Having regard to the accusation levelled against the petitioners/A.1 and A.2, the Station House Officer, Gachibowli Police Station, Cyberabad, is directed to invoke the provisions of Section 41-A Cr.P.C., and also the decision rendered in *Arnesh Kumar v. State of Bihar and another*¹, while investigating into the subject crime.

6. With these observations and directions, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

MARCH 12, 2019
YVL

Dr. SHAMEEM AKTHER, J

¹ 2014 (2) ALT (Cri.) 457 SC

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Date:12.03.2019

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