

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL PETITION No.3524 of 2019

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in FIR No.231 of 2019 of Jagathgirigutta Police Station, Cyberabad, Medak District, registered against the petitioner/A.1 and other accused for the offences punishable under Sections 420, 423, 418, 447, 427, 471, 506 r/w. Section 34 of IPC.

Heard Sri N. Naveen Kumar, learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor appearing for respondent No.1 – State.

Having heard learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor, this Court is not satisfied with the various contentions raised by the petitioner/A.1, particularly the contention that the matter is of civil nature.

As can be seen from the orders of the Civil Court, a definite finding has been recorded by the Court below vide order dt.07.03.2019 in I.A.No.804 of 2017 in O.S.No.164 of 2017 that the petitioners do not have prima-facie title and right over the suit schedule property as they had parted with the same with the original owners in 1991. Whether offences punishable under Sections 420, 423, 418, 447, 427, 471, 506 r/w. Section 34 of IPC have been committed by the

petitioner/A.1 is a matter for investigation and in the process of investigation, if the Investigating Officer comes to a conclusion that there is no offence made out and renders his opinion that the matter is of civil nature and thereby drops all further proceedings, interference of this Court cannot be called for, in any manner.

However, considering the fact that essentially the disputes between the parties have arisen on account of the land, this is a fit case where the procedure prescribed under Section 41-A Cr.P.C. and the guidelines prescribed by the Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹ are to be followed.

In that view of the matter, the Criminal Petition is disposed of directing the Investigating Officer to abide by the directions of the Apex Court as set out in ***Arnesh Kumar's case (supra)*** and conclude investigation in accordance with law.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

01.07.2019.
Msr

¹ AIR 2014 SC 2756

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