

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7948 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A-2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.204 of 2014 on the file of Podili Police Station, Prakasam District, registered for the offences punishable under Sections 420 and 506 read with 34 I.P.C.

2. Heard learned counsel for the petitioner/A-2, respondent No.1 – State represented by the Public Prosecutor (Andhra Pradesh) before admission, and before ordering notice to respondent No.2 – *de facto* complainant, and perused the material on record including the private complaint filed by respondent No.2 that was referred to police for investigation by the learned Magistrate in registering the crime pending under investigation.

3. The factual matrix no way entitles admission of the Criminal Petition filed under Section 482 Cr.P.C. to quash the F.I.R., which is the outcome of the private complaint filed by respondent No.2 and was referred to police for investigation, but for to say from the contentions including the F.I.R. contents, the role of the petitioner/A-2 is minimal when compared to A-1, but for to say the factual matrix entitles to the concession of bail by the petitioner/ A-2.

4. Accordingly, the Criminal Petition is disposed of giving liberty to the petitioner/A-2 to surrender before the learned Magistrate concerned and move for regular bail with notice to the learned Assistant Public Prosecutor concerned and in such an event, after hearing, the learned Magistrate shall grant bail with necessary conditions on the same day. Needless to say, the presence of the

petitioner/A-2 shall be dispensed with at post bail stage pending investigation before the concerned Court. Further remedies are left open to the petitioner/A-2 after police filing final report and cognizance taken by the learned Magistrate concerned.

5. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. JUSTICE B.SIVA SANKARA RAO

Date: 11.9.2015
AMD

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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