

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3832 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioners/accused Nos.2 to 4 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.77 of 2014 of Talakondapally Police Station, Mahaboobnagar District for the offence punishable under Section 418, 420, 421, 424 read with 34 I.P.C.

2) Heard the learned counsel for Petitioners, who are no other than mother and two sons, and the 2nd respondent-State representing by the Public Prosecutor before ordering notice to the 1st respondent-complainant and before admission and perused the material on record. The subject matter is based on a private complaint filed before the Judicial Magistrate of the First Class, Kalwakurthy, same was referred under Section 156(3) Cr.P.C. and the Talakondapally police registered the subject crime and the same is under investigation.

3) It could not be shown that the complaint is barred by limitation for all the penal consequences of the penal provisions referred. It is the contention that a civil suit filed already relating to the so called contract for sale and the suit is pending for specific performance and more than a year back written statement also filed and it is while so, the criminal complaint is filed by engineering a scheme to bring the petitioners to terms and it is an abuse of process.

4) The fact that the civil suit for specific performance pending cannot perse be sufficient, at this stage, to hold as purely civil dispute, that too when the Magistrate refers the case for investigation from prima facie averments, but for to say the facts otherwise admit from the inordinate delay in reporting though not barred by time in laying the complaint, for entitlement to concession of bail by the petitioners of whom for A-1 is a Government employee, A-3 is a

private teacher and A-2 is an aged house woman.

5) Having regard to the above, this application is disposed of giving liberty to the petitioners to approach the learned Magistrate concerned and surrender before him with an application for bail with prior notice to the A.P.P. concerned and in such an event, the learned Magistrate shall grant bail with necessary conditions on the same day and pending investigation their presence can be dispensed with unless any bail conditions to attend.

6) With the above observations, the criminal petition is disposed of.

7) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.04th June, 2015

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