

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

-

CRIMINAL PETITION No.2640 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners, who are arraigned as accused Nos.1 and 2 in Crime No.65 of 2015 of Suryapet Town Police Station, Nalgonda District, for the offences punishable under Sections 420, 448 and 506 I.P.C., requesting to quash the proceedings in the said crime.

2. The facts would reveal that the 2nd respondent, who is the *de facto* complainant, claiming title over the subject property herein, alleged that, though, one Narendruni Ramaiah was no more, whose death occurred in the year 2005, but on 29.08.2012, the vendor of the 1st petitioner created a sale deed as the said Narendruni Ramaiah has sold away the said property, which was subsequently purchased by the 1st petitioner from his vendor Lavudi Vijaya. Thus, the crime was registered on the complaint of the 2nd respondent.

3. Heard both sides.

4. Learned counsel for the petitioners submits that Smt. Lavudi Vijaya sold away the property to the 1st petitioner and if at all any impersonation of original owner is done, it must be against the vendor of the 1st petitioner, but not the petitioners herein, and, therefore, sought to quash the F.I.R.

5. Learned Additional Public Prosecutor represents that during the course of investigation, the said Lavudi Vijaya also may be arraigned as one of the accused persons, and, therefore, opposed the request.

6. A perusal of the F.I.R. would show that the said Lavudi Vijaya is not made as an accused, but it is mentioned against the names of the accused, Dorepally Madhu, Dorepally Narsaiah, Sattu Nagaiah, Mason Lingaiah and some others. However, keeping in view, the circumstance that the vendor of the 1st petitioner was not made as an accused specifically showing his name, the Station House Officer, Suryapet Town Police Station, Nalgonda District, is hereby directed not to arrest the petitioners in Crime No.65 of 2015. The petitioners shall cooperate with the investigating agency for smooth completion of investigation by attending as and when directed.

7. Accordingly, the criminal petition is disposed of with the above directions.

8. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

30th April, 2015

siva