

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
CRIMINAL PETITION No.195 of 2013

ORDER:

None appears for the petitioner. There is no representation on behalf of the petitioner when his name is called.

The petitioner, who is the accused No.1 in C.C.No.374 of 2012 on the file of the I Additional Judicial First Class Magistrate, Khammam, filed this quash petition for quashing the said C.C.No.374 of 2012.

The 1st respondent herein is the defacto complainant. It is complained by her that late Kondegaya Dharma and Bansode Punna bai acquired certain properties at Pakabanda Bazaar, Khammam. During their lifetime they seem to have alienated some of those properties and retained the other properties. When the defacto complainant, who is the legal heir of the true owners came to know that some of the properties have already been alienated unauthorizedly, she approached the office of the Sub-registrar's office, Khammam and obtained certified copies of the documents bearing Nos.6254/2002, 6255/2002, 6256/2002, 6258/2002 and 6260/2002. On verification of those documents, it is revealed that on 08.11.2002 those documents have been executed by the petitioner herein styling himself as a General Power of Attorney holder. The defacto complainant has pointed out that Smt.Dharma bai died as long back as on 04.10.1995 and hence the General Power of Attorney, if any, executed by her has become invalid. After the death of the principal, the agent cannot act on behalf of the principal. Based upon the complaint and after completion of the investigation, the charge sheet is filed by the police.

The case of the petitioner is that he has acquired the property

in question when the principals were alive and only a General Power of Attorney is taken in order to use and deal with the properties so acquired.

I am afraid, it cannot be a factor for quashing the charge sheet. Hence, the petition is dismissed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

18.06.2015

Ksp