

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8479 of 2015

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ORDER:

This Criminal Petition is filed by the petitioners/A.1 to A.6 under Section 482 Cr.P.C seeking to quash the order, dated 21.05.2015, in C.F.R.No.3901 of 2015 passed by the IV Additional Judicial Magistrate of First Class, Tirupati.

2. Heard learned counsel for the petitioners/A.1 to A.6 and also the 1st respondent represented by the Public Prosecutor, before admission and before issuing notice to the 2nd respondent/*de facto* complainant and perused the material on record.

3. A perusal of the material indicates the investigation shall go on. No doubt, there are other aspects raised by learned counsel for the petitioners regarding the alleged instances set up or some of which barred by limitation under Section 468 Cr.P.C., that if the same is considered, there is total lack of jurisdiction for the police to investigate, but for if at all at Bangalore for those police concerned where the alleged last transaction taken place and thus the Tirupati Court has no jurisdiction to entertain the complaint or refer under Section 156 (3) Cr.P.C. for police investigation. This aspect in view Section 156 (2) Cr.P.C. at the investigation stage not available, but for while taking cognizance to apply Chapter 13 Cr.P.C, in the event of police filed final report and as such same is left open to raise at appropriate stage.

4. In fact, as stated above, the material falls short for this Court to admit the application under Section 482 Cr.P.C at this stage to quash the crime proceedings, but for from the factual matrix entitled to the concession of bail by giving liberty to the petitioners to surrender before the learned Magistrate concerned and move for regular bail with notice to the A.P.P concerned, in such an event, the learned Magistrate shall hear and grant bail to the petitioners/A.1 to A.6 with necessary conditions on the same day. Needless to say the learned Magistrate can dispense with the presence of the petitioners at post bail stage. Further remedies, if any, to the petitioners after filing final report and after taking cognizance by the learned Magistrate, are left open.

5. With the above observations, the petition is disposed of. Consequently, the

miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

SEPTEMBER 22, 2015

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HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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CRIMINAL PETITION No.8479 of 2015

Date: 22.09.2015

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