

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10988 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in F.I.R.No.23 of 2015 of Pendurthy Police Station, Visakhapatnam, registered for the offences punishable under Sections 418, 420, 423, 426, 447, 468, 471 r/w 120-B I.P.C.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the State before notice to respondent No.2 and before admission. Perused the material on record.

It is the contention of the learned counsel for the petitioner that the petitioner is a Chartered Accountant and bonafide purchaser of the property which is covered by Survey No.71 of Vepagunta Panchayat of Vepagunta Village having purchased from Smt.Dasari Simhachalam represented by her G.P.A. Holder Seera Suryanarayana vide registered sale deed dated 18.10.2007 and since then he is in possession as bonafide purchaser for consideration and later entered developed agreement for construction of building on 13.06.2008 with M/s.Satya Krishna Builders and Developers and the building is constructed. Thereafter all through there was no claim and the *de facto* complainant all of sudden with false allegations as if she came and visited the property in 2005 and again in December, 2014 and found that there is an encroachment and there is no offence of trespass and there is no any other offence attract against him under Section 418 or 420 or 423 or 426 as he is bonafide purchaser for consideration and it is for the *de facto* complainant to prove her source of title of her father from so called Dasari Simhachalam W/o Dasari Tatalu if at all for any extent in that survey number and proceedings are unsustainable and liable to be quashed.

As the material falls short for this Court to admit the application for quashing of F.I.R. proceedings as the investigation shall go on. However, the factual matrix entitled to the concession of bail, this application is disposed of giving liberty to the petitioner to surrender before the learned Magistrate concerned and move for regular bail with notice to the Additional Public Prosecutor on same day and in such an

event the learned Magistrate shall hear and grant bail on the same day with necessary conditions. The presence of accused pending investigation at post bail stage, before learned Magistrate can be dispensed with. Further remedies are left open in the event of police filing final report and cognizance taken by learned Magistrate.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:30-10-2015

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