

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7798 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.6, 13, 14, 27, 35, 39 and 47 under Section 482 Cr.P.C seeking to quash the FIR No.52 of 2015 of Kadirirural Police Station, Anantapur District, registered for the offences punishable under Sections 467, 468, 471, 420, 120 (B) r/w 34 IPC.

2) Heard learned counsel for the petitioners/ accused Nos.6, 13, 14, 27, 35, 39 and 47 and 1st respondent—State represented by learned Public Prosecutor before admission and before ordering notice to 2nd respondent—de facto complainant. Perused the material on record.

3) It is the sum and substance of the learned counsel for the petitioners that earlier also these petitioners were roped in Crime No.24 of 2010 on the police filing final report by charging 46 persons and deleting some of the petitioner's names herein by charging some of them and that it is for the self same facts, the present crime is registered which is nothing but abuse of process.

4) In fact it could not be co-related to the facts of the earlier charge sheet filed to the present crime to say for the self same facts. In the absence of which there is nothing to admit the application to quash the FIR proceedings as the investigation has to go on but for to say from the factual matrix as they were on bail in the earlier crime also and since some of them charged, their entitlement to the concession of regular bail, the Criminal Petition is disposed of, giving liberty to petitioners/ accused Nos.6, 13, 14, 27, 35, 39 and 47 to surrender before the learned Magistrate concerned and move for regular bail with notice to Additional public prosecutor concerned and in such event, the learned Magistrate shall grant bail with necessary conditions on the same day after hearing the APP concerned. Needless to say, at post bail stage, the learned Magistrate shall dispense with the personal appearance of petitioners/

accused Nos.6, 13, 14, 27, 35, 39 and 47 before the learned Magistrate.
Further remedy is left open, in the event of police filing final report and
after taking cognizance by the learned Magistrate.

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

Dr. B. SIVA SANKARA RAO, J

Dt.25.08.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date:25.08.2015

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