

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2580 of 2015

ORDER:

The instant criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings in Crime No.47 of 2015 of Jawaharnagar Police Station, Cyberabad, which was registered for the offences punishable under Sections 420, 467, 471 and 120-B I.P.C. against the petitioners herein.

2. Heard Sri K.Buchi Babu, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioners submits that one Sri Ramamurthy Sastry, who died on 14.09.2014 as a Sworn Bachelor, who is cousin of the 2nd respondent, executed a Will dated 21.04.2014, amongst whom the 2nd respondent also figured as one of the beneficiaries and the material on record constituting the Will, dated 21.04.2014, the exchange of notices between the 2nd petitioner and the 2nd respondent would all go to show that the Will was executed by the said Ramamurthy Sastry in a sound disposing state of mind and there is no material worth the name to conduct investigation, and, thus, ample documentary evidence is forthcoming to show that it is a case of implication of the petitioners falsely.

4. The learned Assistant Public Prosecutor opposed the claim contending the very fact that in the Will deed, the name of one Sri A.Subrahmaniam is shown in paragraph No.7 as one of the beneficiaries who was not alive by the alleged date of execution of the said Will, itself is sufficient to show that it is a fabricated document brought into existence by the petitioners as complained by the 2nd respondent.

5. During the course of arguments, it is not disputed by the learned counsel for the petitioners that the death of Sri A.Subrahmaniam had occurred even prior to the execution of the said Will, whose name is mentioned as one of the beneficiaries in paragraph-7 of the said Will.

6. Leaving apart the circumstances argued by both sides touching the said Will, the

complaint allegations even at this stage are *prima facie* sufficient, require investigation by the concerned investigating agency in asserting truth or otherwise of the allegations. Thus, it is not a fit case to quash the F.I.R.

7. Hence, the instant criminal petition is dismissed.

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

A. SHANKAR NARAYANA, J

06th April, 2015

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