

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.8875 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A-2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.230 of 2015 on the file of Kurnool IV Town Police Station, Kurnool District, registered for the offences punishable under Sections 404, 420, 464 and 120B I.P.C.

2. Heard learned counsel for the petitioner/A-2 and respondent No.1 – State represented by the Public Prosecutor (Andhra Pradesh) before admission, and before ordering notice to respondent No.2 – *de facto* complainant, and perused the material on record.

3. It is the contention of the learned counsel for the petitioner that the petitioner is a *bona fide* purchaser of properties from A-1, who is no other than the wife of late D.Laxmana Rao who died testate in July, 2012 having executed a will bequeathing the properties in favour of A-1 – D.Kamala Bai on 6.3.2012, which is before his death, and thereby, she is the sole legal heir and absolute owner while in possession, and perusing the same, the petitioner purchased the properties from her. The *de facto* complainant – D.Saroja Bai, who claims to be the legally wedded wife of Laxmana Rao, states that A-1 obtained divorce from D.Laxmana Rao and severed her ties including settlement in Lok Adalat in maintenance claims and hence, A-1 is no way connected to Laxmana Rao. The *de facto* complainant is entitled to the entire property and the legal heir certificate produced by A-1 is a fraud and fabricated one brought into existence by collusion between A-1 and A-2 and that A-2 is not a *bona fide* purchaser.

4. In fact, on perusal of the entire material on record, the material

falls short for this Court to admit the Criminal Petition for quashing under Section 482 Cr.P.C., as the matter is required to be investigated regarding the so called *bona fides* of the petitioner/A-2 in purchase of the property in question, but for to say the factual matrix entitles to the concession of bail by the petitioner/A-2.

5. Having regard to the above, the Criminal Petition is disposed of giving liberty to the petitioner/A-2 to surrender before the learned Magistrate concerned and move for regular bail with notice to the learned Assistant Public Prosecutor concerned and in such an event, after hearing, the learned Magistrate shall grant bail with necessary conditions on the same day. Needless to say, the presence of the petitioner/A-2 before the Court concerned shall be dispensed with at post bail stage pending investigation. Further remedies are left open to the petitioner after police filing final report and cognizance taken by the learned Magistrate concerned.

6. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. JUSTICE B.SIVA SANKARA RAO

Date: 9.9.2015
AMD

THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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