

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7719 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.1 and 2 under Section 482 Cr.P.C seeking to quash the FIR No.864 of 2012 of Banjarahills Police Station, Hyderabad, registered for the offences punishable under Sections 420, 506, 447 r/w 34 IPC, outcome of report of 2nd respondent/ de facto complainant dated 10.09.2012 with the alleged occurrence dated 28.06.2006 which is outcome of contract for sale orally saying part of the property registered and the remaining unregistered and avoided telephone calls made to the cell phone of accused i.e., 9346607712 it is vide para No.7 of the complaint.

2) Heard learned counsel for the petitioners/ accused Nos.1 and 2 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 sum and substance of the complaint and according to the petitioners, it is purely a dispute of civil nature and initiating criminal action is abuse of process. In fact, the petitioners were served with Section 41-A notice. However, the petitioners claimed that in spite of submitting the information in writing to the police as required to the notice dated 27.07.2015, they are apprehending to arrest.

4) As the material falls short for this Court to admit the application to quash the FIR proceedings but for to say the entitlement to the concession of regular bail, the Criminal Petition is disposed of, giving liberty to petitioners/ accused Nos.1 and 2 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.1 and 2 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.

5) 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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