

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3598 OF 2016

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ORDER:
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This Criminal Petition is filed by the petitioners-Accused Nos.3 to 5 under Section 482 Cr.P.C., seeking to transfer C.C.No.23 of 2016 on the file of the Additional Judicial Magistrate of First Class, Kadapa, YSR Kadapa District.

Heard and perused the material available on record.

It is alleged that A1 to A3 misrepresented that A3 has purchased landed property of Ac.0.91 cents in Sy.No.5/2 situated in Buggaletipalle village fields of C.K. Dinne Mandal, Kadapa District from A2 and thereby induced the 2nd respondent-complainant and L.W.3-G. Shoba to purchase the said property under a registered sale deed dated 2.1.2012 from A3 for consideration of Rs.60,00,000/-. While so, the 2nd respondent came to know that in the year 2005 itself, the wife of elder brother of A1 viz., U. Rajeswari and her children filed a suit against A1 and A2 in respect of the said property and the said suit was decreed against A1 and A2 declaring half share over the property. The said Rajeswari filed E.P., wherein an advocate-commissioner was also appointed to conduct survey and divide the said property. On coming to know about the same, the 2nd respondent and L.W.3 approached all the accused, questioned them. But the accused threatened them. Hence, the 2nd respondent filed a private complaint.

From the material available on record, it is evident that petitioners 2 and 3 are the witnesses to the document registered in favour of the 2nd respondent and L.W.3, whereas the 1st petitioner is the vendor of the 2nd respondent. The entire reading of the charge sheet does not disclose about the involvement of the petitioners Nos.2 and 3 except the fact that they signed as witnesses to the document

registered in favour of the 2nd respondent and L.W.3. In view of the same, this Court is of the view that continuation of the proceedings against them would amount to abuse of process of Courts. Therefore, this Court is inclined to quash the proceedings against petitioners No.2 and 3-A4 and A5.

Insofar as the 1st petitioner-A3 is concerned, it is her duty to rebut the evidence adduced by the prosecution. She has to adduce evidence to the effect that she is the genuine purchaser and she does not know the earlier litigations between A1 and A2 and U. Rajeswari. This Court is not inclined to grant any relief in this petition to her. However, her presence before the trial Court is dispensed with except on the dates when her presence is specifically required by the trial Court. The 1st petitioner shall be represented by a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is partly allowed quashing the proceedings against petitioners No.2 and 3-A4 and A5 in the above C.C.No.23 of 2016 on the file of the Additional Judicial Magistrate of First Class, Kadapa, YSR Kadapa District. Consequently, miscellaneous petitions pending, if any shall stand closed.

JUSTICE RAJA ELANGO

Date : 17.3.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 17.3.2016

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