

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.376 of 2011

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Crime No.4 of 2010 on the file of Ardhaveedu Police Station, Prakasam District.

The petitioner is accused No.1.

The brief facts of the case are that, the petitioner has purchased an extent of Acs.2.30 cents in Sy.No.817/4 of Papinenipalli Village, Ardhaveedu Mandal, Prakasam District under a registered sale deed dated 16.04.2004. He applied to the revenue authorities for mutation of the said property and the Mandal Revenue Officer has issued pattadar passbooks in favour of the petitioner and the petitioner has been in possession and enjoyment of the property. It is further alleged that the 2nd respondent has filed a complaint stating that Accused No.2 in the above crime has executed a registered sale deed in favour of the petitioner herein. Basing on his complaint, the crime has been registered against the petitioner herein-Accused No.1. Aggrieved by the same, this petition is filed to quash the proceedings.

Heard learned counsel for the petitioner and learned Public Prosecutor.

Learned counsel for the petitioner submits that the petitioner has purchased Acs.2.30 cents of land in Sy.No.817/4 of Papinenipalli Village, Ardhaveedu Mandal

from Accused No.2. The allegations in the complaint are civil in nature as the petitioner is a *bona fide* purchaser. Therefore, he sought for quashing of the proceedings against the petitioner herein.

Learned counsel for the petitioner placed before this Court an order dated 15.04.2013 in CrI.P.No.242 of 2011, wherein this Court directed the police not to arrest the petitioner in case he has not obtained either anticipatory bail or regular bail.

On consideration of the arguments of learned counsel for the petitioner and on perusal of the material on record, it is evident that as the petitioner claimed that he is a *bona fide* purchaser of property from Accused No.2, but the same being a question of fact needs to be decided during trial, this is not a fit case to quash the proceedings against the petitioner.

In the result, the Criminal Petition is disposed of directing the police to complete the investigation in this matter by following the procedure contemplated under Section 41-A of Cr.P.C. and the petitioner is given liberty to file appropriate petition before the trial Court for redressal of his grievance.

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDISEVA SHYAM PRASAD,J

Date : 09.10.2017
ssp

