

HON'BLE SRI JUSTICE T. AMARNATH GOUD

CRIMINAL PETITION No.6743 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings against the petitioner in Cr.No.113 of 2011 on the file of Tirupati East Police Station, Chittoor District for the offences under Sections 420, 448, 352, 387 and 506 read with Section 34 IPC.

Petitioner herein is accused No.3 and the 1st respondent is the de-facto complainant. The 1st respondent is said to have paid sale consideration with regard to an immovable property said to have been owned by A.1. Believing the same, complainant has paid sale consideration. The amounts have been received by A.1 to A.3. A.2 and A.3 are the sons of A.1 and A.3 signed the agreement of sale as a witness. The case of the complainant is that A.3, being the son of A.1, has knowledge about the transaction and he also has knowledge about the title of the immovable property, actually which they do not own.

Without going into the merits of the case, as fairly stated by the learned counsel for the 1st respondent/complainant that petitioner is not the vendor and is only a witness to the agreement of sale, this Court deems it appropriate to dispose of the matter directing the prosecution to proceed with the investigation in the light of Section 41-A Cr.P.C., and file charge sheet. Till charge sheet is filed, the petitioner herein shall not be arrested. Reasonable opportunity shall be afforded to the parties and the parties shall cooperative with the investigation.

The criminal petition is accordingly disposed of.

As a sequel, miscellaneous petitions if any pending stand closed.

T. AMARNATH GOUD, J