

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.753 of 2017

ORDER:

The present Criminal Petition is filed requesting to quash the proceedings in C.C No. 319 of 2015 on the file of learned Additional Judicial First Class Magistrate, Tadepalligudem, West Godavari District.

2. Petitioner is A2. He alleged to have committed offences punishable under Sections 420, 120(B), 471, 447, 384 IPC along with A1 and A3.

3. Heard Sri K. Rajanna, learned counsel appearing for petitioner and learned Public Prosecutor for the State of Andhra Pradesh, appearing for first respondent.

4. One of the submissions of the learned counsel appearing for petitioner is that this Court allowed Criminal Petition No. 10180 of 2015 by order dated 3.1.2017 and quashed the proceedings in very same Calendar Case, and requested this court to quash the proceedings so far as the petitioner is concerned. Besides that submission, learned counsel also submits that the petitioner was absolutely unaware of the attachment orders passed by a competent Civil Court and the property sold to the second and third respondents was under attachment on the date when he sold his property to them.

5. When on factual side is probed, learned counsel would say fairly that the petitioner purchased the property under registered sale deed in the month of March 2012 and the attachment of the Civil Court was effected

on 1.10.2012 whereas the property was sold by the petitioner on 24.1.2013.

It is clear that after he purchased the property only, the attachment was affected and the Court proceedings certainly, give a presumption as to the acts being done fairly and without notice to the petitioner, warrant of attachment cannot be executed. Second circumstance that comes in the way of the petitioner at this stage to quash the proceedings is selling the property to second and third respondents despite attachment orders being in vogue. The ignorance pleaded by the petitioner as to the attachment orders having been effected and in force on the date of his sale to the second and third respondents can be established only during trial and certainly, it cannot be culled out at this stage to quash the proceedings in Calendar Case.

6. Accordingly, the Criminal Petition is dismissed. As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE A. SHANKAR NARAYANA

Date: 01.02.2017

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