

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Petition No. 1067 of 2011

Order:

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner/accused, seeking to quash the proceedings in Crime No. 65 of 2008 of Mahankali Police Station, Secunderabad, registered for the offences punishable under Section 420 read with Section 120(B) IPC.

2. The allegation against the petitioner/accused is that he sold the subject plot to the second respondent/*de facto* complainant under a registered sale deed and, later, he unilaterally cancelled the said sale deed and sold the same plot to others, thereby he cheated the second respondent/*de facto* complainant.

3. The private complaint was filed on 03.01.2008 and the present petition to quash the proceedings came to be filed on 03.02.2011. It is represented by the learned Additional Public Prosecutor that even before the present petition to quash the proceedings has been filed and stay is obtained, the police have closed the investigation in the matter as it being civil in nature and, accordingly, filed a final report.

4. Learned counsel for the petitioner has also submitted that the dispute between the petitioner/accused and the second respondent/*de facto* complainant has been settled out of Court and the documents in proof thereof have been filed.

5. As a matter of fact, the parties have entered into a memorandum of understanding and they intend to get this matter withdrawn. Having regard to the facts and circumstances of the case and, since the police have already filed a final report treating the matter as civil in nature,

nothing survives for adjudication in the Criminal Petition and the matter has become infructuous.

6. Accordingly, the Criminal Petition is dismissed as having become infructuous.

7. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J.

Date: 03.07.2015

Nsr