

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.8676 of 2012

ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.301 of 2011 on the file of VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Hyderabad, for the offence punishable under Section 420 IPC, against him.

2. The averments in the charge sheet would disclose that the accused had approached the complainant on 30.10.2006 to sell his land to an extent of Ac.2.00 in Sy.Nos.49 and 50 of Pasumamula Village, Hayatnagar Mandal, which was purchased from A.P.State Finance Corporation Limited, Hyderabad, during the course of auction and the accused has to pay the remaining amount to the Corporation. They settled the matter for a consideration of Rs.51,00,000/- and the complainant also paid a token advance of Rs.1,51,151/- on 30.10.2006 and obtained a receipt from him. The complainant also paid Rs.48,98,849/- to the accused from time to time towards part of sale consideration and he kept Rs.50,000/- for payment of the same on the date of registration. Later, the complainant came to know that the accused with an evil intention had suppressed the fact that the said property under sale subject to the pending litigation. The accused also obtained the signature of the complainant on Rs.50/- N.J.Stamp purchased in the year 2002. The complainant came to know that the land had no access and the boundaries and survey numbers are also not tallying. The Assistant Director of Survey and Land Records, Hyderabad in his letter dated 18.05.2010 informed APSFC that the existing

boundaries are not tallying with the boundaries mentioned in the sale deed and even survey numbers are also not tallying. It is stated that though a sale deed was registered in the name of the complainant and the accused jointly without quoting sharing ratio, no physical possession is delivered till now. Hence, he filed a complaint against the accused and the same was registered as Cr.No.192 of 2011 under Section 420 IPC.

3. Learned counsel for the petitioner contended that as the complainant is also one of the signatory of the sale deed dated 23.01.2007 executed by the APSFC, Hyderabad Branch in favour of the complainant and accused, there is no question of suppression of fact of litigation and thereafter, they both sold away the land to an extent of Ac.1.00 gts in Sy.No.49 to one D. Anil Kumar vide registered document dated 28.05.2007 by mentioning the same boundaries, but said Anil Kumar did not turn up, and that suppressing all these transactions, the complainant filed a false complaint against the accused and therefore, he prays to quash the proceedings against the petitioner.

4. As seen from the record, the accused and the de facto complainant had jointly purchased the land to an extent of Ac.1.00 in Sy.No.49 part and Ac.1.00 in Sy.No.50 Part, situated at Pasumala Village, Hayathnagar Mandal, Ranga Reddy District, from the A.P. State Finance Corporation for a consideration of Rs.4,30,000/- during the course of auction. Thereafter, the accused and the de facto complainant jointly sold away the land to an extent of Ac.1.00 gts in Sy.No.49 Part to one D. Anil Kumar for a sale consideration of Rs.5,00,000/- by way of registered sale deed dated 28.05.2007. Insofar as the land to an extent of Ac.1.00 gts in Sy.No.50 is concerned, the accused had executed a

registered release deed in favour of the complainant on 28.05.2007 relinquishing his rights over the said property by paying Rs.2,50,000/- to the complainant. As the complainant was also one of the signatory of the sale deed in favour of D. Anil Kumar, the question of suppression of litigation with regard to the property in question by the accused does not arise. Further, the complaint also does not disclose as to the execution of sale deed by the complainant and accused in favour of D. Anil Kumar.

5. In view of the aforesaid reasons, this Court is of the view that the present complaint against the petitioner for the offence punishable under Section 420 IPC is not maintainable.

6. The Criminal Petition is, accordingly, allowed and the proceedings in C.C.No.301 of 2011 on the file of VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Hyderabad, are quashed against the petitioner/accused. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

RAJA ELANGO, J

18th June, 2015
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