

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3905 of 2015

ORDER:

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The petitioner, who is A2, filed the present application under Section 438 Cr.P.C., seeking release in the event of her arrest in connection with Crime No.139 of 2009 of RGI Airport, Shamshabad Police Station, Cyberabad, Ranga Reddy District. Originally, a private complaint which was filed under Section 200 of Cr.P.C., was referred to police under Section 156 (3) of Cr.P.C.

The allegations in the report are as under:

The petitioner, who is A2, is the wife of A1 and she was an employee of Begumpet Public School. It is alleged that in the first week of June, 2006, A1 and A2 approached the informant and told him that A1 who own's agricultural lands at Shamshabad is intending to sell the same due to certain financial needs. Both of them made the informant believe that the informant would get cent percent profit, if he sells it to others in view of the prevailing boom in the real estate. After showing the land, the informant was satisfied and asked the accused to show the title deeds. It is alleged that A1 produced General Power of Attorney purported to have been executed by 1)Mrs.G.Alice Metilda, 2)Mr.G.Julious Ebenezer and 3)Mr.G.Melkare Wincent in favour of A1 and his brother D.R.Prakash. A1 and A2 told the informant that Mr.D.R.Prakash who executed the deed has relinquished his rights in favour of A1. Being carried away by the representations made, the informant accepted to purchase the land and paid Rs.25 lakhs to the accused persons and A1 and A2 executed sale deed before the Sub-Registrar office. Subsequently, the informant came to know that the accused are not the owners of the land and that he was cheated. Basing on these allegations, the present case came to be filed.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner.

On the other hand, learned Public Prosecutor opposed the application.

A perusal of the material placed before the Court would show that the police investigated into the said case and filed a charge sheet. Thereafter, Non Bailable Warrants came to be issued against the petitioner. While things stood thus, the petitioner herself filed CrI.P.No.4318 of 2009 seeking quashing of investigation. By an order dated 25.06.2009, this Court granted interim stay of arrest of the petitioner, while directing the investigating agency to proceed further with investigation. It appears that on 26.08.2010, CrI.P.No.4318 of 2009 was dismissed for non-prosecution. Even after dismissal of the petition, it appears that she was not arrested by the police. It is now stated that in view of the warrants issued, the petitioner may be arrested.

Having regard to the circumstances of the case, the petitioner shall appear before the VIII Metropolitan Magistrate, Rajendranagar, within a period of ten days from today and file an appropriate application before the learned Magistrate, in which event, the learned Magistrate shall pass suitable orders on such terms and conditions as he deems fit and appropriate on the same day.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

28.04.2015

Note:

Issue C.C. in two days.

B/o.

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