

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY, THE TWENTY EIGHTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

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

CRIMINAL PETITION No.10064 of 2010

Between:

Ruthala Appalakonda and another

..... PETITIONERS/A1 & A2

AND

The State of A.P, rep.by its
Public Prosecutor and another

.....RESPONDENTS

The Court made the following:

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

CRIMINAL PETITION No.10064 of 2010

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in Cr.No.95 of 2010 on the file of Narsipatnam Police Station, Visakhapatnam, registered for the offences punishable under sections 417, 420 and 109 IPC.

Heard the learned counsel for the petitioners/A1 & A2 and the learned Additional Public Prosecutor, representing the State.

The allegations in brief are that the petitioners are shown as A1 and A2 and the above crime was registered on the basis of a private

complaint, referred by the jurisdictional Magistrate which was filed by the 2nd and 3rd respondents.

The case of the complainants is that believing the words of the petitioners/A1 & A2 that they are the owners of the plot situated in Sy.No.227, Ward No.1, Block No.5 of Narsipatnam village, they have purchased the said plot from the petitioners/A1 & A2 for a total consideration of Rs.2,84,000/- and got registered the site by way of General Power of Attorney-cum-Sale Agreement on 12.03.2007. Thereafter, in February 2008 the complainants received caveats from Ruthala Apparao and Koruprolu Narayanarao that they have purchased the same plot from the husband of the petitioner/A1 during his lifetime. Alleging that even though the petitioner/A1 was aware of the fact that subject plot having sold by her husband to Ruthala Apparao and Koruprolu Narayanarao, again the petitioners/A1 and her daughter petitioner/A2 sold the said property to the complainants by receiving consideration and thereby cheated them.

The encumbrance certificate that was produced itself clearly show that except the transaction in between the complainants and the petitioners/A1 & A2 there is no other transaction.

What is noticed that after purchase of the plot by the complainants from the petitioners/A1 & A2, they have been informed by two other persons by issuing caveat notices stating that it is they purchased the said plot from the husband of the petitioner/A1 during his lifetime. Therefore, it is a matter of investigation to be carried out as to whether the same property was sold by the husband of the petitioner/A1 to two other persons and after his death, it is the petitioners/A1 & A2 who have sold the same property to the complainants. In view of the above, I do not think that it is a fit case where the investigation can be quashed. However, in view of the facts and circumstances of the case, I think that no custodial interrogation is required in the present crime.

In view of the above, the investigating agency is directed to proceed with the investigation, however, without arresting the

petitioners/A1 & A2. The petitioners/A1 & A2 are directed to appear before the Investigating Officer on notice being served on them and produce all the required documents and cooperate the investigating officer to complete the investigation.

The Criminal Petition is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 28.08.2015

Dsr