

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2717 OF 2013

ORDER:

This criminal petition under Section 482 of the Code of Criminal Procedure is filed by the petitioner/accused seeking to quash the proceedings in C.C.No.459 of 2012, on the file of the Additional Judicial First Class Magistrate, at Sangareddy, arising out of F.I.R.No.204 of 2011 registered for the offences under Sections 418, 420 and 406 IPC.

The brief facts of the case are as follows. The complainant and the accused entered into a development agreement for construction of houses in the land belonging to the accused. At the time of entering into development agreement, the complainant paid an amount of Rs.60 lakhs to the accused and it was agreed that the said amount is to be repaid after completion of construction of all the houses as per the agreement. They made an application to the Gram Panchayat for permission and the same was denied as the said plots are submerged with the lake and directed them to get the clearance from Irrigation Department. They approached Irrigation Department and the said Department surveyed and fixed the stones for Full Tank Level (FTL) and issued letter to them stating that the plots are coming under FTL. The complainant requested the accused to repay the said amount of Rs.60 lakhs and he refused to repay the same, and as such, the complainant filed the complaint.

Heard and perused the material available on record.

When the case is taken up for hearing, learned counsel for the petitioner and the learned counsel for the *de facto* complainant submit that the matter is settled out of Court and that the accused paid the entire amount to the *de facto* complainant. The counsel for the *de facto* complainant submits that the complainant is not interested in prosecuting the matter further since the matter is settled out of Court.

Considering the amicable settlement between the parties, the proceedings in C.C.No.495 of 2012 on the file of the Additional Judicial First Class Magistrate, at Sangareddy, is hereby quashed and the petitioner/accused is hereby acquitted of the charges levelled against him.

The Criminal Petition is accordingly allowed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

24.08.2015
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