

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4407 OF 2014

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/accused Nos.1 and 2 seek to quash the proceedings in Cr.No.146 of 2014 on the file of Madhapur Police Station, Cyberabad.

2) On the report given by the complainant, the Police of Madhapur Police Station registered a case in Cr.No.146 of 2014 under Section 420 IPC against Accused Nos.1 to 5. The allegations are that the *defacto* complainant is the working partner in Sri Teja Homes, a registered partnership firm, in which, the Accused No.3—N. Hari Prasad is the Managing Partner. The wife of complainant is the Managing Partner in Sri Indra Developers, a registered partnership firm. Accused No.3 induced the complainant to enter into a partnership firm with him for purchasing and developing the plots by constructing multi-storeyed commercial buildings and complexes by stating that he has come across good plots in Guttala Begumpet village for free of litigation. On such inducement of A.3 to A.5, he purchased two plots under two sale deeds, each is of 450 square yards. He and his wife invested Rs.67,89,110/- by one cheque and Rs.95,89,110/- under another cheque for purchasing the plots and A.3 also made investment. While so, on 05.12.2014 when the complainant along with his workers went to clean the land in the said two plots, they were obstructed by Ch.Venkateswara Rao and others claiming that they are the owners of the said plot by showing some documents in support of their claim. When the complainant returned and enquired the accused about the claim made by the said Venkateswara Rao, the accused did not offer any explanation in that regard and thus, he came to know that all the accused cheated him by making him purchase the plots from A.1 and A.2, who have no clean title. Hence, the complaint.

The investigation is reported to be pending.

3) Denying the allegations, the learned counsel for petitioners submitted that the petitioners/A.1 and A.2 have purchased 900 square yards of land in Sr.No.28 part and 29 in part along with outhouse bearing Municipality No.1-65/25/8 under Registered Deed dated 13.08.2012 for a valid sale consideration from one Gujje Vydyanath and the said Vydynath, in turn purchased the said property from one Smt M. Hemalatha Devi under registered Sale Deed dated 18.07.2000 and in fact, the Hemalatha Devi purchased larger extent of land in Sy. No. 28 part and 29 part under Registered Sale Deeds dated 20.10.1995 and 16.05.1996 and she converted the land into plots and sold the said plots to G.Vydyanath and therefore, the petitioners are the absolute owners of the plots which they sold to the complainant and they never cheated him. The learned counsel by filing photographs submitted that the complainant has been in possession of disputed plots and he also obtained electricity meter in respect of the said plots. He, thus, prayed to quash the proceedings submitting that the dispute is purely of civil in dispute.

4) Per contra, opposing the petition, learned counsel for respondent/complainant submitted that Ch. Venkateswara Rao is now claiming title over the disputed plots on the allegations that he purchased the plots from the sons of one of the inamdars of the land namely Nagaiah and the petitioners and other accused by suppressing material facts made him to purchase the plots and believing their words, he invested about more than two crores and if the investigation is taken up, the truth will come out. He, thus, prayed to dismiss the Criminal Petition.

5) Upon hearing both sides, this Court is of the view that in order to know whether the petitioners have bonafidely sold the disputed plots

to the complainant and whether Ch. Venkateswara Rao is making an untenable claim or whether the petitioners and other accused sold the plots by suppressing the material facts to cheat the complainant or not will be known only after thorough investigation made by the police. Therefore, the investigation shall be continued to its logical end. However, having regard to the facts and circumstances of the case, the Police of Madhapur Police Station, Cyberabad are directed not to arrest the petitioners/Accused Nos.1 and 2 during the course of investigation. The petitioners shall cooperate with the investigating agency for smooth completion of investigation.

6) With the above observation, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO,J

Dt. 22-04-2015

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