

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

CRL.R.C.No.2345 of 2013

JUDGMENT:

This Criminal Revision Case is filed questioning the correctness of the order of the learned IV-Metropolitan Magistrate, Cyberabad at Ibrahimpatnam, dated 21.08.2013 passed in C.C.(SR).No.4349 of 2013.

The revision petitioner-complainant filed a private complaint before the Court below against respondents 1 to 5/accused for the offences under Sections 420 and 120-B I.P.C. alleging that respondents 1 to 5 herein, who are the owners and possessors of Ac.2-20 guntas of land in Sy.Nos.14 and 15 situated at Chowdarpally village, Yacharam Mandal, offered to sell the said property for a total consideration of Rs.8,00,000/- and that the revision petitioner accepted the same and entered into an agreement of sale on 23.05.2011 with respondents 1 to 5 herein. It is further alleged that the revision petitioner-complainant had paid a total amount of Rs.3,20,000/- on different dates to respondents 1 to 5/accused. The sum and substance of the revision petitioner-complainant's case is that respondents 1 to 5/accused have failed to perform their part of the contract though the revision petitioner-complainant is always ready and willing to pay the balance sale consideration of Rs.4,80,000/- and obtain registered sale deed in her favour. Therefore, the revision petitioner had filed a suit for specific performance of contract against respondents 1 to 5 herein and the same is pending for adjudication. It is further alleged that respondents 1 to 4 herein have dishonestly created a sale deed in favour of respondent No.5 herein in order to cheat the revision petitioner and to deprive her legitimate rights. Therefore, the revision petitioner prayed the Court below to refer the complaint to police for investigation and report.

The trial Court by order dated 21.08.2013 rejected the private complaint filed by the revision petitioner holding that the allegations mentioned in the complaint do not constitute any offence, much less the offences under Section 420 and 120-B I.P.C. The dispute between the revision petitioner-complainant and respondents 1 to 5-accused is purely civil in nature and that the revision petitioner-complainant has to work out her remedies in Civil Court. On consideration of totality of the facts and circumstances of this case, I do not find any infirmity in the impugned order.

The Criminal Revision Case is consequently dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL,
J

25-08-2015

Gsn