

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.3635 of 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners, who are arraigned as accused Nos.1 and 2 in Crime No.264 of 2015 of Kukatpally Police Station, Cyberabad, for the offences punishable under Sections 420 and 506 I.P.C., requesting to quash the proceedings against them in the said crime.

2. The facts would reveal that the 2nd respondent, who is the *de facto* complainant, paid Rs.3,00,000/- as loan to the petitioners, who are builders and on their promise that they would sell a part of land and some time thereafter, they executed notarized document concerning an extent of 120 square yards in Survey No.908 of Khaitalapur and subsequently, he found that it was already sold away and when he approached the petitioners and questioned them, they went on impressing upon him that they would take care of protecting his interest and ultimately evaded to return the amount and that is how the complaint was made and registered.

3. Heard both sides.

4. Learned counsel for the petitioners submits that the 2nd respondent-*de facto* complainant was the tenant of the petitioners and since the petitioners asked the 2nd respondent to vacate the tenanted premises, false case is foisted against them, and, therefore, sought to quash the F.I.R. against them.

5. Learned Additional Public Prosecutor opposed the request.

6. The said notarized document is not filed into the Court and F.I.R. alone is available on record. Since the document itself is available as represented by the learned Additional Public Prosecutor, who has gone through it, the abuse of process of law does not arise to quash the F.I.R., as there is material *prima facie* sufficient to investigate into the alleged offences.

7. Therefore, the criminal petition is dismissed. However, in view of the request made by the learned counsel for the petitioners, the 2nd petitioner being a woman, to the extent of 2nd petitioner, the Station House Officer, Kukatpally Police Station, Cyberabad, is directed not to arrest her and she shall cooperate with the investigating agency for smooth completion of investigation.

8. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

30th April, 2015

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