

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.8318 OF 2013

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner seeking to quash the proceedings in FIR No.375 of 2013 on the file of Alwal Police Station, Cyberabad, registered for the offences punishable under Sections 420, 471, 120-B and 506 IPC.

Heard and perused the material available on record.

The case of the prosecution, in brief, is as follows:

The de facto complainant was allotted plot No.231, admeasuring 321 sq.yards in Sy.No.587, 588 and 589 & 590 and 591 of Old Alwal, Malkajgiri, Ranga Reddy District by the HMT Officers Co-operative House Building Society Limited. After allotment of the plot, when the de facto complaint approached the authorities for registration of the same, he came to know that the said plot was sold to the petitioner herein by A2 on the basis of a sale deed executed in favour of A2 by A1. The de facto complainant further contended that he is in possession of the said property and the petitioner, A1 and A2 does not have any right over the same and the petitioner herein in collusion with A1 and A2 got executed a sale deed in her favour. Admittedly, the sale deed executed in the month of February, 2002 by A1 in favour of A2 for an amount of Rs.9,600/- and A2 executed a sale deed in favour of the petitioner herein on 06.05.2002 i.e., within three months for Rs.1,25,000/-. Hence, the 2nd respondent filed a private complaint and the same was referred to the police.

Learned counsel for the petitioner submitted that the petitioner is a genuine purchaser and she purchased the said plot from A2 by way of a registered sale deed, dated 06.05.2002, and A2 purchased the same from A1 and the petitioner has no knowledge about the

earlier transactions and the 2nd respondent is not the owner of the said plot and the Divisional Cooperative Officer, Hyderabad, West Division, has submitted a detailed report to the Joint Registrar/District Cooperative Officer, R.R. District, wherein the names of the petitioner and her vendor were shown at serial No.36.

Learned Public Prosecutor submitted that the case is under investigation from the year 2013 and in view of the stay granted by this Court, the police are not able to proceed with the investigation.

After perusing the material available on record and after hearing the arguments of both sides, this Court is of the view that the truth or otherwise of the contentions of both parties are to be investigated into by the investigating agency. Hence, this Court is not inclined to quash the proceedings against the petitioner. However, considering the facts and circumstances of the case and also the petitioner is a lady, the concerned police are directed to complete the investigation of the case and file final report, if any, without arresting the petitioner. The petitioner shall cooperate with the investigating officer and shall appear before the police as and when required.

With the above observation, the Criminal Petition is disposed of. Miscellaneous Petitions, if any, filed in this Criminal Petition, shall stand closed.

RAJA ELANGO, J

September 08, 2015.
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