

THE HON'BLE MRS JUSTICE ANIS

CRIMINAL PETITION No.2688 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A-1 under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.175 of 2014 of Shahabad Police Station, Ranga Reddy District.

2. Learned counsel for the petitioner/A-1 argued that the petitioner is innocent and not committed any offence; that the transaction between the petitioner and respondent No.2/*de facto* complainant is of civil in nature and hence, prays to quash the proceedings in the said crime.

3. Heard the learned Public Prosecutor, who opposed for allowing the petition on the ground that the case is in crime stage and hence, the investigation has to go on; that after completion of investigation, the police have to file a charge sheet and till then, the true facts will not come out and hence, prays to dismiss this petition.

4. A perusal of the record shows that respondent No.2 is the *de facto* complainant and he filed the complaint before the police against the petitioner and two other persons for the offences punishable under Sections 406, 420 and 506 I.P.C. and the same was registered as Crime No.175 of 2014 on 22.12.2014.

5. Respondent No.2 filed the complaint on 21.12.2014 against the petitioner and two other persons stating that the petitioner, being the owner and possessor of the land bearing Sy.No.184/A/1/2 admeasuring Ac.4.00 guntas situated at Hoti (B) Village, Zaheerabad Mandal, Medak District, approached respondent No.2 and offered to alienate the same for a total sale consideration of Rs.3,20,000/-; that respondent No.2 agreed and accepted to purchase the same and accordingly, the petitioner executed a registered sale deed bearing document No.2676/2014, dated 22.2.2014, in favour of respondent No.2 by receiving the entire sale consideration and delivered the physical possession of the schedule property in favour of respondent No.2; that

since the date of purchase, respondent No.2 is in possession and enjoyment of the same; that while things stood thus, A-3, without having any right, title and interest over the above property, tried to interfere with the peaceful possession and enjoyment of respondent No.2, but as respondent No.2 resisted the same with great difficulty, while leaving the subject property, A-3 proclaimed that he has purchased the said property from the petitioner; that after knowing the same, respondent No.2 approached the Registrar's Office and made enquiry and on enquiry, respondent No.2 came to know that the petitioner, with a *mala fide* intention and with a view to have an unlawful gain for himself and also to cause wrongful loss to respondent No.2, executed General Power of Attorney bearing document No.6938/2012, dated 19.11.2012, in favour of A-2 and in turn, A-2 executed a registered sale deed bearing document No.20132/2013, dated 14.11.2013, in favour of A-3, and by suppressing the same, the petitioner, with a *mala fide* intention and with a view to cheat respondent No.2, alienated the same property in favour of respondent No.2 and received the entire sale consideration.

6. So far as the allegations in the complaint are concerned, they have to be investigated into by the police and the police have to file the charge sheet. At this stage, the question of quashing the proceedings in Crime No.175 of 2014 on the file of Shahabad Police Station does not arise. Therefore, the petitioner is not entitled to the relief of quashing the proceedings in the said crime.

7. Learned counsel for the petitioner/A-1 requested the Court to dispense with the arrest of the petitioner till the investigation is completed. Considering the facts and circumstances of the case, the investigating authority is directed to proceed with the investigation and not to arrest the petitioner/A-1 till filing of the charge sheet into the Court.

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

JUSTICE ANIS

Date: 2.4.2015

Note:- Furnish C.C. in two (2) days.

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