

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4052 OF 2016

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ORDER:

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This petition is filed by the petitioners-accused Nos.1 and 2 under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.196 of 2015 on the file of Manthani Police Station, registered for the offence punishable under Sections 420, 467 and 472 IPC.

Heard and perused the material available on record.

It is alleged that the 2nd respondent-complainant purchased the land situated in Sy.No.61, admeasuring Ac.7.02 guntas situated at Vilochavaram shivar of Manthani Mandal, Karimnagar District from the mother of the accused. The mother of the accused registered Sy.No.57 in favour of the 2nd respondent-complainant instead of Sy.No.61. The petitioners requested the 2nd respondent to re-register Sy.No.57 in their favour, for which the 2nd respondent agreed on condition of the petitioners registering Sy.No.61 in his favour. After completion of the registration of Sy.No.57 in their favour, the petitioners, except executing a simple sale deed, did not turn up to register Sy.No.61. Therefore, the 2nd respondent lodged a private complaint. As the same was referred to the police, the above crime was registered.

Learned Counsel for the petitioners submitted that there is a civil dispute between the parties with regard to enforcement of terms and conditions of agreement of sale in respect of Sy.No.61 and that the learned Magistrate has not followed the procedure while referring the private complaint lodged by the 2nd respondent to the police under Section 156(3) Cr.P.C.

Considering the facts and circumstances of the case and the allegations made in the complaint, this Court is inclined to pass the

following order.

The 1st respondent-police are directed to complete the investigation and file a final report, if any, in accordance with law, without arresting the petitioners. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioners for the purpose of investigation. On issuance of such notice, the petitioners are directed to appear before the investigating officer and give an undertaking as to their future appearance as and when required by the investigating agency for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 23.3.2016

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DATED 23.3.2016

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