

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9295 of 2010

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners-A1 to A3 in Crime No.82 of 2010 on the file of Station House Officer, Valigonda Police Station, Nalgonda District registered for the offences under Sections 406, 420 and 109 IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. The petitioners are A1 to A3 and the second respondent is *de facto* complainant in Crime No.82 of 2010. A perusal of the record reveals that the petitioners are owners of an extent of Acs.14.12 guntas of land in survey Nos.129, 130 and 131 of Aroor village of Valigonda Mandal. As per the allegations made in the complaint, on 20.4.2009 the petitioners executed an agreement of sale in favour of second respondent agreeing to sell the land admeasuring Acs.14.12 guntas for a total consideration of Rs.30,03,000/- and received Rs.10,00,000/- towards advance. It is further alleged that the second respondent paid an amount of Rs.2,00,000/- to the petitioners subsequent to the agreement of sale. It is also alleged that the petitioners, with an ulterior motive, executed the sale deed in favour of A4 and A5 in respect of the property covered under the agreement of sale dated 20.4.2009. The gist of the allegations made in the complaint is that the petitioners herein cheated the second respondent.

4. The contention of the learned counsel for the petitioners is that the second respondent has not come forward to obtain sale deed. He further submitted that the second respondent converted the civil litigation into criminal case for the reasons best known to him. Whether the petitioners committed the alleged offences or not will

come to light during the course of investigation only.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay on 20.9.2010. Having regard to the facts and circumstances of the case and in view of the earlier orders of this court dated 17.9.2010, the Station House Officer, Valigonda Police Station is hereby directed not to arrest the petitioners-A1 to A3 till completion of investigation in Crime No.82 of 2010.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

February 23, 2016.
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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)