

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3822 OF 2012

ORDER:

The criminal petition is filed by the petitioners/A-1 & A-2 under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.321 of 2012, on the file of Rajendranagar Police Station, Ranga Reddy District, registered for the offences under Sections 420 & 506 IPC.

2. The facts of the case are that the representatives of the accused had approached the *de facto* complainant and introduced the accused company, which was selling converted plots from land, upon which she was convinced and agreed and started making payments to the accused company and they issued a passbook in favour of her vide Pass Book (PB) No.146. She paid the installments to the accused company from time to time. As per the terms and conditions mentioned in the said pass book, it is stated that each plot will be 200 square yards which costs Rs.2,00,000/- and even after completion of installments, the accused failed to execute the sale deed in favour of the *de facto* complainant and even after completion of seven years after completion of installments, the accused failed to execute the sale deed in favour of the *de facto* complainant. On repeated requests of the *de facto* complainant, the accused have executed a registered Sale Deed bearing Document No.101/2011 in favour of the *de facto* complainant on 07.01.2011 in respect of Plot No.21, admeasuring only 180 square yards, situated at Hyderguda Village. Instead of 200 square yards, the accused have executed sale deed in favour of the *de facto* complainant only for 180 square yards and due to

delay of registration, the *de facto* complainant has to loss excess amount. When the *de facto* complainant approached the accused, then they threatened her with dire consequences by saying that if she repeats the same, they will see the end of her life. The accused cheated the *de facto* complainant by causing monetary loss. Hence, the present complaint is filed by the *de facto* complainant requesting to take necessary action.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent and the learned counsel for the 2nd respondent and perused the material available on the record.

4. Learned counsel for the petitioners submitted that on the entire reading of the complaint, it is evident that the complaint does not disclose any cognizable offence against the petitioners and that the complaint given by the *de facto* complainant is purely civil in nature and that the *de facto* complainant herself accepted for registration of 180 square yards of plot through her letter, dated 13.01.2011. It is further submitted that the registration of the land was made in favour of the *de facto* complainant on 07.01.2011, but whereas the present complaint is filed on 11.04.2012. That means, there is a delay of fifteen (15) months in lodging the present complaint by the *de facto* complainant.

5. On the other hand, learned Additional Public Prosecutor opposed the same.

6. On perusal of the material available on record, it is seen that mere registration of the complaint by the *de facto* complainant against the petitioners itself clearly indicates the fact that there is a civil dispute regarding the registration of land made

by the petitioners in favour of the *de facto* complainant and the petitioners have executed sale deed in favour of the *de facto* complainant for 180 square yards, but originally the petitioners have agreed to give 200 square yards of plot to the *de facto* complainant, which indicates that there is a shortage of 20 square yards.

7. Having regard to the facts and circumstances of the case and the submissions of the learned counsel for the petitioners, this Court is of the view that the said facts are to be agitated by a civil suit and the complaint registered against the petitioners in Crime No.321 of 2012 is liable to be quashed.

8. Accordingly, the Criminal Petition is allowed and the proceedings in Crime No.321 of 2012, on the file of Rajendranagar Police Station, Rajendranagar Mandal, Ranga Reddy District, are hereby quashed. Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

RAJA ELANGO, J

Date: 2nd September, 2016

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