

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4046 OF 2016

-
ORDER:

-
This petition is filed by the petitioner-accused No.3 under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.357 of 2015 on the file of Abids Police Station, Hyderabad, registered for the offence punishable under Sections 403, 409, 420, 506 and 406 IPC.

Heard and perused the material available on record.

It is alleged that A1 and A2, who are family friends of the 2nd respondent requested her and her husband to plan for a joint real estate venture, upon which, they purchased 200 sq. yards of land situated at Royal Enclave, Hasmathpet, Bowenpally, Secunderabad and the property was registered in the name of the 2nd respondent and A1 as co-owners. It was agreed to construct four single bed rooms and 2 duplex portions in two separate blocks with common stair case to be shared equally. For the said construction a sum of about Rs.79 lakhs was invested out of which bank paid nearly Rs.40 lakhs + Rs.5 lakhs as OD and the balance was invested by both the parties viz., 2nd respondent and A1. A3, who is the father of A1, intervened in the said project and misappropriated funds given for purchase of the materials. Due to differences, A1 stopped paying instalments to the bank. A1 and A2 informed the 2nd respondent that they are ready to close the loan account or to pay equal amount of her share and take over the entire property for themselves and she should not intervene in any manner with the bank. A1 to A3 in collusion with A4 managed to issue a misleading E-auction sale notice. A2 participated as the only bidder in the auction and got the plot in her name.

Learned Counsel for the petitioners submitted that the present complaint has arisen out of land dispute between the 2nd respondent

and A1 and that the petitioner is a third party to the said transaction and that the above crime was registered as the learned Magistrate has referred the private complaint filed by the 2nd respondent to the police without following the procedure under Section 156(3) Cr.P.C.

Considering the facts and circumstances of the case, 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 petitioner-A3. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioner for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating officer and give an undertaking as to his 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

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-

CRIMINAL PETITION No.4046 OF 2016

DATED 23.3.2016

Nn