

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40039 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for the records in Crime No.252 of 2016 and to quash the same.

The grievance of the petitioner is that the 3rd respondent has lodged the present complaint against the petitioner alleging that the petitioner approached him and requested to purchase the property belonging to him and believing the same, the 3rd respondent has paid Rs.80,00,000/- as total sale consideration and in turn the petitioner executed an agreement of sale, dated 20.04.2013, in favour of the 3rd respondent and when the 3rd respondent demanded the petitioner to register the property, the petitioner abused him in filthy language and also caught hold of his neck and thereafter, on 21.04.2015, when the 3rd respondent obtained Encumbrance Certificate of the said property from the Sub-Registrar Office, he came to know that the petitioner colluded with two other persons and made General Power of Attorney in their favour. Aggrieved by the same, the 3rd respondent filed a private complaint before the II Additional Judicial Magistrate of First Class, Kadapa, and the same was referred to the 2nd respondent, who registered the same as Crime No.252 of 2016 for the offences under Sections 405, 420, 422, 464, 418, 323, 384, 499, 506 and 307 IPC.

Learned counsel for the petitioner submitted that earlier the petitioner lodged a private complaint against the 3rd respondent before the I Additional Judicial Magistrate of First Class, Kadapa, which was referred to the police under Section 156(3) of Cr.P.C. and the police, Kadapa I Town U/G Police Station, Kadapa, registered the same as FIR No.150 of 2016 and that the present complaint is lodged against the

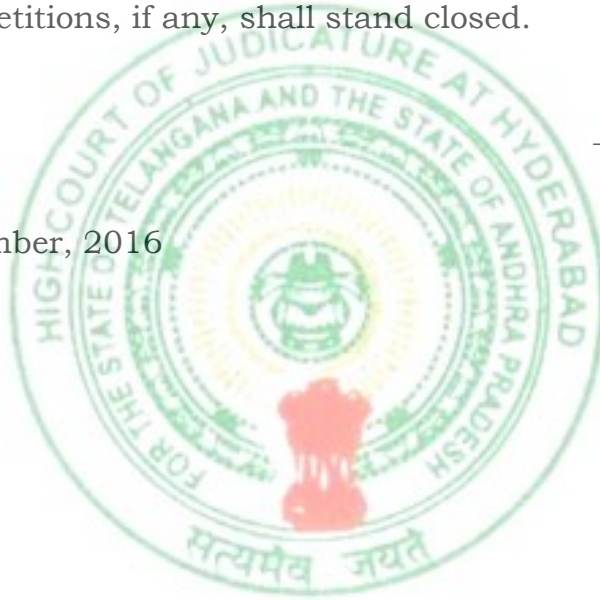
petitioner by the 3rd respondent as a counter blast and that if the petitioner is forced to face the prosecution for the alleged offences for which the present crime is registered, then the petitioner would be put to grave and irreparable loss.

Considering the grievance of the petitioner and submissions of the learned counsel for the petitioner, the 2nd respondent is directed to complete the investigation in Crime No.252 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 21st November, 2016

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RAJA ELANGO,J