

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.1862 of 2016

ORDER

This petition u/s.482 Cr.P.C. is filed by the petitioner/A2 seeking to quash the proceedings in C.C.No.440 of 2014 on the file of VIII Metropolitan Magistrate, Cyberabad, Rajendranagar, Ranga Reddy District, against him.

2. The case of the prosecution is that the de facto complainant had entered into a Development Agreement-cum-General Power of Attorney with A1 for development of her property i.e., plot No.11 in Sy.No.1 admeasuring 293 Sq.yards situated at Pokalawada, Manikonda Village, but A1 has not completed the construction within the stipulated time. The de facto complainant vexed with the attitude of A1 and to protect her property, she moved into the semi finished flat i.e., G-1 flat on ground floor in the month of December, 2010. While so, A1 in collusion with A2 had clandestinely sold away her flat without her consent and thereby cheated the de facto complainant. Based on the complaint, a case in Cr.No.395 of 2013 for the offences u/s.420, 406, 506, 471, 120-B IPC was registered against A1 and A2.

3. Heard and perused the material on record.

4. After arguing some time, learned counsel for the petitioner confined his argument to the extent that the presence of the petitioner/ A2 before the trial Court may be dispensed with.

5. The allegations in the charge sheet would show that both the accused had colluded and conspired with each other and had

clandestinely sold away the flat of the de facto complainant. In view of the allegations mentioned in the charge sheet, the matter has to be decided after full fledged trial and therefore, this Court is not inclined to interfere with the impugned proceedings. However, the presence of the petitioner/A2 before the trial Court is dispensed with except on the dates whenever his presence is insisted by the trial Court.

6. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE RAJA ELANGO

15th February, 2016

sj