

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1868 OF 2016

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ORDER:

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This petition is filed by the petitioner-A3 under Section 482 Cr.P.C. seeking to quash the proceedings against him in C.C.No.479 of 2015 on the file of the I Additional Judicial First Class Magistrate, Nizamabad.

Heard and perused the material available on record.

It is alleged that the 2nd respondent-complainant purchased a building from A1 and A2 under a registered sale deed and later, A1 to A5 created false transactions and created false sale agreements, as if they were executed prior to the transaction with the complainant, and brought them into existence and filed suits basing on the concocted documents to cause wrongful loss to the complainant.

Learned Counsel for the petitioners submitted that the petitioner A3 entered into an agreement of sale with A1 much prior to the alleged sale deed in favour of the 2nd respondent-complainant and that the 2nd respondent in collusion with other respondents created a sham sale transaction and that the petitioner filed a suit for specific performance of agreement of sale and the same is pending and the Civil Court granted police aid to the petitioner and in spite of that, the complainant, her husband and other persons damaged the shop of the petitioner and as such, he filed a complaint against the complainant and others and the same was registered as FIR No.371 of 2013 and as a counter case only, the present case is filed by the complainant by suppressing all the material facts.

The above submissions made by the learned Counsel for the petitioner before this Court are the points to be determined by the trial Court. The petitioner is at liberty to file an application before the trial Court raising all the above grounds and seeking discharge. On such application being filed, the trial Court is directed to dispose of the same in accordance with law. Till disposal of such discharge application, the presence of the petitioner before the trial Court is dispensed with. If the petitioner fails in the discharge application, he is at liberty to challenge the same

before the appropriate Court.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 24.2.2016

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DATED 24.2.2016

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