

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2138 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused-1 in C.C.No.1566 of 2015 pending on the file of VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District, arising out of Crime No.45 of 2015 of Hayathnagar Police Station registered for the offences punishable under Sections 420, 406 read with Section 120-B IPC.

It is alleged in the complaint that the petitioner/A-1 and one Bhagyamma approached the 2nd respondent/de facto complainant and offered to sell the land admeasuring Ac.1.00 guntas in Survey Nos.70/E and 79/AA situated at Munaganoor Renvenu village, Hayathnagar Mandal for a valuable consideration by stating that the petitioner/A-1 is the absolute owner of the land and Bhagyamma is the GPA holder of the petitioner/A-1 and believing their words, the 2nd respondent/de facto complainant purchased the said land, obtained physical possession from them and got mutated her name in the revenue records. It is further alleged that one Radha Devi with the active connivance of Sanjeeva Reddy and others, fabricated and created a sale deed bearing document No.1938/2011 dated 14-06-2011 in favour of one Rama Linga Reddy and Janardhan Reddy in respect of part of the land admeasuring Ac.0.13 guntas which is facing to NH-9 highway and adjoining to remaining land, with intent to grab the entire road facing land and to cause huge loss to her and thereby cheated the de facto complainant.

Heard the learned counsel for the petitioner and the

learned Public Prosecutor.

Learned counsel for the petitioner mainly contended that the allegations made in the complaint, even if it were taken as true and correct, do not constitute the ingredients of the offences, much less the alleged offences and the present case arose out of civil litigation pending between the petitioner and the 2nd respondent/de facto complainant and that no case is made out against the petitioner/A-1 for the offences alleged. He further submits that the 2nd respondent/ de facto complainant obtained a favourable order in respect of the land in question from the Civil Court and instead of proceeding with the civil suit, the present complaint is lodged only to harass the petitioner herein.

Perused the material on record.

A reading of the material on record shows that specific overt acts are attributed not only against the petitioner/A-1 but also against the other accused. It also reveals that a civil dispute is pending between the petitioner and the 2nd respondent. Whether the petitioner/A-1 had committed the offences alleged or not can be determined during the course of trial. Since specific overt acts are attributed in the complaint constituting the ingredients of the offences alleged, this Court is not inclined to quash the proceedings against the petitioners. At this stage, learned counsel for the petitioner submits that since the petitioner/A-1 being a lady aged about 72 years is facing very much difficulty in attending the Court on each and every date of adjournment, at least her presence may be dispensed with before the trial Court.

Considering the facts and circumstances of the case and in view of the submissions made by the learned counsel, the presence of the petitioner/A-1 before the trial Court is dispensed

with except on the dates when her presence is required by the Court. The petitioner shall be properly represented by her counsel on each and every adjournment.

With the above observation, the criminal petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 22-02-2016

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