

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.13040 OF 2016

ORDER:

This petition is filed by the petitioner-accused No.4 under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.218 of 2016 on the file of Nallapadu Police Station, Guntur District, registered for the offence punishable under Sections 120-B, 323, 420 and 506 IPC.

Heard and perused the material available on record.

It is alleged that the de facto complainant and his wife entered into an agreement in respect of their land with A1. A1 agreed to give 8 flats to the complainant and retain 12 flats with her. It was agreed that the construction should be completed below 18 months. But A1 did not do so. When the de facto complainant went to the land in question, A1 and the other accused abused the de facto complainant in filthy language and beat him with hands and threatened him with dire consequences.

Learned Counsel for the petitioner submitted that the de facto complainant has cheated the developer and that the de facto complainant converted the civil dispute into criminal nature and that the petitioner never committed any offence as alleged.

Learned Additional Public Prosecutor opposed this petition.

The truth or otherwise of the allegations in the complaint cannot be decided by this Court. Considering the facts and circumstances of the case and the nature of offence, this Court is not inclined to grant the relief sought by the petitioner. However, the 1st respondent-police concerned are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioner to appear

before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required 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 : 2.9.2016

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DATED 2.9.2016

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