

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1012 of 2013

ORDER:

In this Petition filed under Section 482 Cr.P.C., the petitioner/accused seeks quashment of the Proceedings in Cr.No.216 of 2012 on the file of Tandur Police Station, Ranga Reddy District, wherein he was charged for the offences under Sections 417, 420 and 506 of IPC.

Private Complaint filed by the second respondent/complainant before Judicial First Class Magistrate, Tandur, was referred to Tandur Police and the police registered the same as a case in crime No.216 of 2012.

The allegations are that the petitioner/accused induced the complainant to purchase the plot Nos. 8,11,35,45,61 and 62, total admeasuring 720 sq.yards in Sy.No.50 of Kokat (V), Yalal (M), stating that petitioner is the absolute owner of the said plots and that Sr.No.50 admeasuring Ac.2.00 cents has been converted into non-agricultural land and there is an approved lay out over the said land and that the petitioner has full rights to alienate the said land. Accordingly, sale consideration was fixed at Rs.8,64,000/- and a registered Sale Agreement dt.12.09.2012 was entered into by the complainant and the petitioner and the complainant paid an advance amount of Rs.1,00,000/- and thereafter the complainant also paid another Rs.1,00,000/- on 08.10.2012 to the petitioner towards part of the sale consideration.

While so, the complaint came to know that in respect of the land pertaining to Sr.No.50 and 52 of Kokat Village, there is a dispute and those lands are claimed by the Government as the

government land and a news item was published to that effect on 10.10.2012 and so he went and enquired the petitioner and asked him to furnish title deeds relating to the said property. The petitioner failed to furnish the same in spite of repeated demands by the complainant. Thereafter, the complainant got issued Legal Notice dt. 21.11.2012, demanding the petitioner to produce the title deeds, but he failed to do so. Finally, the complainant went to the house of petitioner on 01-12.2012 and requested to produce the documents, but the petitioner failed to produce the documents. Thus, the complainant alleges that the petitioner cheated him. The Police of Tandur, Ranga Reddy, District registered the crime as FIR for the offences under Sections 417, 420 and 506 IPC.

Hence, the instant petition by the petitioner/accused.

When the matter came up for hearing, learned counsel for petitioner submitted that the petitioner is the absolute owner of the property and there is no dispute with regard to the said property and he is ready to execute the sale deed in favour of the complainant in terms of the registered sale deed dt.12.09.2012.

On the other hand, learned counsel for respondent/complainant submits that in spite of several demands, the petitioner failed to produce his title deeds showing the ownership in the disputed property and thus cheated him and hence the investigation which was stayed, may be ordered to be continued so as to unearth the truth as to whether the petitioner is the owner of the property or the Government.

This Court finds force in the submission of learned counsel for complainant. The grievance of the respondent No.2/complainant is that in spite of several demands and requests

made by him, the petitioner did not produce any document showing his ownership in the property and that he has already paid huge amount towards part of the sale consideration.

In these circumstances, it is not a fit case to quash the proceedings at this stage. On the other hand, it is apposite to direct the Police, Tandur, to continue the investigation to its logical end.

In the result, this Criminal Petition is dismissed with a direction to Tandur Police to complete the investigation at the earliest and file the report before the concerned Court.

Consequently, the miscellaneous petitions, if any, pending, in this case, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 17.03.2016
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HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Crl. P. No.1012 of 2013

Dt. 17.03.2016

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