

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39995 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the registration of crime in FIR No.593 of 2016, dated 18.10.2016, on the file of the 4th respondent police station under Sections 420, 468 & 471 IPC basing on the complaint given by the 5th respondent misusing of the sections for settling personal scores, as illegal and arbitrary and consequently to quash the same.

Heard and perused the material available on record.

The case of the petitioners is that the 5th respondent lodged the present complaint alleging that the petitioners along with Mohammed Ibrahim Khan & Farzana Begum approached Mrs.Shahjehan Begum to sell 297 square yards out of 897 square yards and entered into an agreement, dated 10.11.2011, and for the remaining extent entered into Development Agreement, dated 10.11.2011 and Mrs.Shahjehan Begum paid Rs.6,00,000/- as advance towards Agreement, dated 10.11.2011, and refundable amount of Rs.10,00,000/- towards Development Agreement. As there was delay on account of various Governmental hindrances and the said three persons are in need of money, they told Mrs.Shahjehan Begum that they would sell the property to her and Mrs.Shahjehan Begum requested them to permit her to take the 5th respondent as a partner and an Agreement, dated 24.10.2014, has been entered for the entire property, in which the earlier Agreement and Development Agreement merged and on 24.10.2014, the 5th respondent and Mrs. Shahjehan Begum paid

Rs.40,00,000/- to them and subsequently paid further sum of Rs.11,00,000/- and a Supplementary Agreement, dated 14.07.2015, was entered into excluding the time limit for concluding the contract. The said three persons with criminal conspiracy to cheat Mrs. Shahjehan Begum and the 5th respondent, have created a gift settlement deed, dated 01.09.2016 being registered Document No.4402/2016 in the office of Sub-Registrar of Assurances, Golconda South, Hyderabad, whereby the 1st petitioner conveyed an extent of 354 square yards together with building standing thereon. The property is an undivided property, there is no partition effected between them and in order to cheat them, the said document has been created. The main grievance of the petitioner is that the 5th respondent, in order to defame the petitioners in the society, implicated the petitioners in the present case.

After arguing for some time, this Court expressed its opinion that this Court is not inclined to interfere with the investigation, but as per the written instructions submitted by the learned Assistant Government Pleader for Home, it is evident that notice under Section 41(a) Cr.P.C. also was issued to the 1st petitioner on 01.11.2016 and it is also informed by the learned Assistant Government for Home that the 4th respondent is proceeding with the investigation in a proper manner and the 4th respondent never intend to harass the petitioners in the name of investigation.

Considering the said facts and circumstances of the case, the 4th respondent is directed to complete the investigation in FIR No.593 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the

petitioners. The petitioners are directed to report before the 4th respondent as and when required and shall produce all the documents in connection with the crime for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 6th December, 2016

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