

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.14992 OF 2016

ORDER:

This petition is filed to quash the proceedings in Cr.No.25 of 2015 of CID. TS. Hyderabad Police Station, for the offences punishable under Sections 386, 451, 452, 420 and 506 read with 34 I.P.C.

Petitioner allegedly purchased property under registered G.P.A.-cum-Agreement of sale and in turn, he executed sale deed in favour of third party.

The case of prosecution from the beginning is that the police received a complaint from B.Venkata Ramana Reddy son of Prabhakar Reddy on 13-11-2015 at 19 hours against the Assistant Sub-Inspector of Police and others who indulged in extracting money including obtaining sale deeds and defacto complainant is one among them and who suffered in the hands of Assistant Sub-Inspector of Police.

Specific allegations made in the complaint are that the property bearing house number 9-4-4, Srinagar Colony, Karimnagar is mortgaged on 11-5-2010 in favour of Reddy Sripal Reddy and Hanumandla Janardhana Reddy-petitioner herein vide document No.4116 of 2010 for obtaining loan from Bobala Mohan Reddy for an amount of Rs.13,00,000/- and the said amount was taken as loan and above loan was repaid with interest totaling Rs.26,00,000/- and after payment of the above said amount, defacto

complaint requested Mohan Reddy to cancel G.P.A. and release the document but the said Mohan Reddy refused to return the same and that on complaining the same to I Town Circle Inspector, Karunkar on 10-3-2014, C.I. called the said Mohan Reddy and settled the matter and said Mohan Reddy agreed before the police.

On the next day i.e., on 11-3-2014, Mohan Reddy and others came to the house of defacto complainant and demanded the defacto complainant to vacate the house immediately and thereby necked him out and that due to fear, he went to Hyderabad and settled there itself since then.

During course of investigation, police examined nine witnesses and recorded statements of witnesses under Section 161 (c) of Cr.P.C. The statements of P.W.1 Donapati Venkata Ramana Reddy (defacto complainant herein) would disclose the involvement of petitioner who allegedly obtained registered G.P.A.-cum-agreement of sale and sold the same in favour of third party knowing about the nature of transaction.

It is the case of prosecution that first accused is Assistant Sub-Inspector of Police who is responsible for all these incidents including extortion and obtaining documents and taking advantage of office of Assistant Sub-Inspector of Police and thus, he allegedly obtained such documents worth of Rs.600 crores and this is one such transaction and 49 cases are registered against the first accused.

However, this court is not required to decide the complexity of first accused Mohan Reddy but the only allegation against the petitioner is that he has knowingly entered into the sale-cum-GPA and played active role in registration of house of the complainant in favour of Mohamed Safiuddin and cheated the defacto complainant and thus committed offences punishable under Sections 386, 451, 452, 420 and 506 read with 34 I.P.C. and section 25 (2) of Arms Act.

It appears from the record that obtaining a General Power Attorney-cum-agreement of sale, knowing the alleged incident of obtaining loan and obtaining general power-cum-agreement of sale etc., from the defacto complainant and thereby cheated him, are the matters to be considered during the course of trial but not at this stage while deciding the application under Section 482 Cr.P.C., and therefore, there is material on record and the evidence collected during investigation by police prima facie establish the involvement of the petitioner in the said incident and thereby, this court cannot invoke jurisdiction under Section 482 of Cr.P.C. at this stage for the quashing the proceedings in question.

Hence, I find no ground to quash the proceedings in Cr.No.25 of 2015 of CID. TS. Hyderabad Police Station and consequently this Criminal Petition is dismissed at the admission stage.

However, CID. TS. Hyderabad Police Station are directed to follow the procedure as contemplated under Section 41-A of Cr.P.C.

and the principle laid down by the Supreme Court in *ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER*¹.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 24-10-2016.

Dvs.



¹ 2014(8) SCALE 250

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Dated 24-10-2016.

Dvs