

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.557 OF 2014

ORDER:

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This Criminal Petition is filed by the petitioners/A-1 to A-3 under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.87 of 2013 of Begumpet Police Station, Medak District, which was registered for the offences punishable under Sections 419, 420, 464, 504 and 506 (ii) read with 34 I.P.C.

2. The said case was registered, admittedly, on the reference made by the Magistrate invoking the provision under Section 156(3) Cr.P.C. The allegation against the petitioners is that petitioner Nos.1 and 2 received a sum of Rs.4,00,000/- from respondent No.2, who is the General Power of Attorney of one Abdul Quader, on various occasions and entered into an agreement of sale in respect of the land in question, but they sold the land to petitioner No.3 by colluding with her. The further allegation is that the said land includes poramboke land, temple land and patta lands of others.

3. It is the case of the petitioners that it is true that petitioner Nos.1 and 2 entered into an agreement of sale with respondent No.2 and they are having title over the property; that in view of the fact that respondent No.2 has not come forward to purchase the land as agreed, with the permission of respondent No.2 only, the said land was sold in favour of petitioner No.3.

4. Heard and perused the material on record.

5. It is evident from the legal notice issued by respondent No.2 to the petitioners that she prayed for return of the said amount of Rs.4,00,000/-.

6. While arguing the matter, learned counsel for the petitioners submitted that petitioner Nos.1 and 2 are ready to return the said amount of Rs.4,00,000/- received from respondent No.2 in view of the agreement

entered into between the parties concerned even though they are not liable to pay as per the agreement. Considering the submission of the learned counsel for the petitioners, the Criminal Petition is disposed of with the following direction:

7. The police concerned are directed to complete the investigation without arresting the petitioners/A-1 to A-3 and while investigating the matter, if the petitioners are inclined to return the said amount of Rs.4,00,000/- to respondent No.2, the Investigating Officer shall inform the same to respondent No.2 and after complaining of her willingness for receiving the said amount, the same can be paid to respondent No.2. On such payment, the police concerned are directed to close the case as settled between the parties.

8. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

16.02.2016
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