

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.6341 of 2013

ORDER :

The petitioners 1 to 5 are the A.1 to A.5 of P.R.C.No.31 of 2011 on the file of the Judicial Magistrate of First class, Madhira, Khammam district, taken cognizance on the police final report of Cr.No.41 of 2011 registered for the offence u/sec. 306 of I.P.C. by Bonakal Police Station, by the learned Magistrate by allotting P.R.C. number and committed to the Court of Sessions for the offences supra, impugning the same they filed the present quash petition under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') with the contentions that there are no ingredients to attract the offence u/sec. 306 of I.P.C. for the learned Magistrate to take cognizance much less to commit to the Court of Sessions , hence the proceedings are liable to be quashed.

2. Heard the learned counsel for the petitioners/A.1 to A.5 and also the learned counsel for the defacto-complainant-2nd respondent, who is no other than the son of the deceased by name Venkateswar Rao, and also 1st respondent-State and perused the material on record.

3. Along with the quash petition, the petitioners filed additional material and also the petition vide CrI.P.M.P.No.1065 of 2014 filed by the defacto-complainant seeking to vacate the interim stay granted in CrI.P.M.P.No.9994 of 2013 dated 10.07.2013.

4. The factual matrix in nutshell is that the deceased, mother (P.Lakshmi) of the complainant, committed suicide in saying the father of the complainant and the A.1 P.Ranga Rao-1st petitioner are close friends and by virtue of that friendship, the mother(deceased) of

the complainant purchased the plot from the A.1 which is in the name of his wife Sarojini(late) at Hyderabad and she got the same registered and gifted to her daughter by name Kommineni Aruna W/o Vidhyasagar. When the deceased demanded for link documents, the A.1 revealed that they are not available with him since the property is mortgaged in the bank at the time of sale transaction dt. 29.05.2007 and getting money without notice of the deceased. After her attempts futile, a panchayat was also held in this regard in which the A.1 to A.5(A.2 and A.3 son-in-laws and A.4 and A.5 are daughters of A.1) promised to give documents. On the repeated demands, ultimately the A.1 said that he is not having said documents with him and he would not give even they die. Aggrieved by the same, said Lakshmi committed suicide, for which the complainant lodged a complaint with police in the above crime supra.

5. Needless to say there is another crime registered with regard to the same issue on the report of the son-in-law of the deceased by name Vidhya Sagar, as defacto-complainant in Cr.No.652 of 2011 of Jeedimetla Police Station for the offences u/s 417 and 420 of I.P.C. and from the police final report C.C.No.857 of 2011 on the file of the VI Metropolitan Magistrate at Cyberabad, Medchal is pending. It is for the reason that the so called A.1 Ranga Rao's wife late Sarojini as purchaser from the earlier vendor and the said Ranga Rao, in fact mortgaged the original title deeds with bank and availed loan and suppressing the mortgage, sold the property subsequently to some of the accused of the C.C.No.857 of 2011 including against P.Ranga Rao(A.1 in P.R.C.No.31 of 2011) and his daughter who are no other than the vendors to the defacto-complainant no other than the son-in-law of the deceased herein.

6. A perusal of the said crime itself indicates that the mortgage

is not by P. Ranga Rao(A.1) or his daughter or late wife of Ranga Rao, leave about P.Ranga Rao passed the consideration or not and purchased the property in benami or not is a different subject.

Undisputedly, in vacate stay petition, there is a certificate issued by the police obtained by the deceased-wife of P.Ranga Rao showing that original title deed is lost by them. It is in fact, there is suppression of the factum of their vendor mortgaged the title deeds with the bank and availing loan in deceiving by cheating them in the deception in alienation of the property by Ranga Rao and his daughter to the said K.Vidhyasagar. Even therefrom so far as the abetment to drive the deceased Lakshmi to commit suicide, there is nothing either directly or indirectly.

7. Having regard to the above, the cognizance taken by the learned Magistrate in P.R.C. No.31 of 2011 and continuation of the same to commit to the Court of Sessions is unsustainable.

8. In the result, the Criminal Petition is allowed by quashing the proceedings in P.R.C.No.31 of 2011 on the file of the Judicial Magistrate of First class, Madhira. Consequently, miscellaneous Petitions, if any, pending in this petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 06.01.2016

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