

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5608 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-3 seeking to quash the proceedings in Crime No.390 of 2015 on the file of Palavancha Town Police Station, Khammam, Khammam District.

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Sections 420, 466, 468, 471 and 120-B I.P.C.
4. Learned counsel for the petitioner mainly contended that the complaint is not based on real facts; that the petitioner is a *bona fide* purchaser of the property in question along with other purchasers and all of them paid huge consideration to their vendors based on the representations and the documents furnished to the petitioner and others and the petitioner has nothing to do with the commission of the alleged offences; that the award passed in Survey No.735 is not true and there is no record to show that such an award was passed by the competent authority. Further, he relied upon a Gazette Notification in which the land acquisition proceedings in the said survey number were dropped by the Government.
5. Considering the facts and circumstances of the case, this Court is of the view that the said facts are necessarily to be appraised by the Investigating Officer and hence, the Investigating Officer is directed to collect the records from the *de facto* complainant as well as the persons, who are arrayed as accused in the crime, and decide the issue in accordance with law. If the petitioner is aggrieved over filing

of any charge sheet against him, he is at liberty to approach this Court for appropriate relief.

6. Accordingly, the Criminal Petition is disposed of.

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

JUSTICE RAJA ELANGO

20.4.2016

AMD

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