

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5626 OF 2016

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ORDER:

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This petition is filed by the petitioner-accused No.1 under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.208 of 2014 on the file of Kukatpally Police Station, Cyberabad, registered for the offence punishable under Sections 468, 469, 471, 420 and 120-B IPC.

Heard and perused the material available on record.

It is alleged in the private complaint that the 1st respondent and his wife were the owners of a house bearing No.3-2-100 on plot Nos.14 and 15 and the petitioner along with another approached the 1st respondent and his wife and offered to purchase the said property for total sale consideration of Rs.64 lakhs. They entered into an agreement of sale. The registration of sale deed was kept pending for non-payment of registration charges. The petitioner issued four cheques in favour of the 1st respondent and his wife towards sale consideration. But the cheques were misplaced. When the 1st respondent demanded the petitioner to pay the sale consideration or to issue fresh cheques, he promised to pay the same. But he did not pay the amount and he paid the registration charges and got the pending documents released and he executed a sale deed in favour of A2.

Learned Counsel for the petitioner submitted that the allegations made in the complaint are civil in nature and that the private complaint filed by the 1st respondent was referred to the police, basing on which the above crime was registered, without following the procedure under Section 156(3) Cr.P.C.

Considering the facts and circumstances of the case and the allegations made against the petitioner, this Court is not inclined to grant the relief sought by the petitioner. However, the 2nd respondent-

police are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the 2nd respondent-police are directed to issue a notice to the petitioner to appear before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner is directed to appear before the investigating agency and give an undertaking as to his future appearance as and when required for the purpose of investigation.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 20.4.2016

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DATED 20.4.2016

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