

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2051 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioner, who is A2 in Crime No.320 of 2010 on the file of Suryapet Police Station, Nalgonda District. The offences alleged are under Sections 193, 209, 406, 418 and 420 IPC.

2. Heard the counsel for the petitioner; the Public Prosecutor appearing for respondent No.2; and the counsel appearing for respondent No.1.

3. The facts of the case are that the wife of the petitioner, who is A1 in the above Crime, and the *de facto* complainant/R1 have entered into an agreement of sale in respect of a property at Suryapet Town. The *de facto* complainant along with others paid the entire sale consideration to A1. Now the grievance of the *de facto* complainant is that in spite of repeated requests, accused have not come forward to execute the sale deed.

4. The defence of the petitioner/A2 is two fold. One is that he is not the owner of the land under the agreement of sale and the second is that declining the execution of the sale deed is on the ground that the said land is under mortgage.

5. In the above circumstances, it cannot be said that there was any criminal intention on the part of the petitioner to commit the offence. Moreover, the petitioner/A2 is not a party to

the agreement of sale. The petitioner cannot be brought to book for the alleged offences. Hence, continuation of the proceedings against the petitioner in the above crime would only result in abuse of process of law.

6. With the above observations, the Criminal Petition is allowed and the proceedings in Crime No.320 of 2010 on the file of Suryapet Police Station, Nalgonda District, against the petitioner, are hereby quashed. However, it is made clear that the observations made by this Court shall not have any effect on the proceedings before the civil court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 13, 2017
LMV



T. RAJANI, J