

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1359 of 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) to quash the First Information Report in Crime No.18 of 2017 of Lingampet Police Station, Kamareddy District.

Sri Vijay B.Paropkari, learned counsel for the petitioners, while pleading innocence and false implication of the petitioners, would vehemently contend that a civil matter is virtually converted into criminal matter as the allegations in the complaint show that the *de facto* complainant has purchased Ac.17.00 of land in various survey numbers of distinct extents at the rate of Rs.1,23,000/- per acre from the petitioners under an agreement of sale and even got issued a legal notice to the petitioners demanding specific performance. Learned counsel would further submit that even before a reply to the legal notice was given by the petitioners, the *de facto* complainant rushed to the police and filed the present complaint incorporating all incorrect allegations, though, the petitioners are aged 74 and 78, respectively, who cannot be viewed as having uttered abusive phrases even. Learned counsel lastly pleads that the petitioners may be protected.

The allegations in the complaint cannot be thrown out at this stage. Further, in view of the fact that earlier there was a litigation

against the petitioners, though, the *de facto* complainant was not a party to it, and since there are allegations of uttering abusive phrases, it cannot be said that the complaint is vexatious at this stage to quash the First Information Report in the aforesaid crime. However, the Investigating Officer is directed to abide by the procedure laid under the provisions of Section 41A of Cr.P.C and the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹.

With the above observations, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

February 17, 2017.

Note: Issue CC by 20.02.2017

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¹ (2014) 8 SCC 273