

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No.10184 of 2011

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

2. The petitioner herein is the accused No.1 in Crime No.574 of 2011 for the offences under Sections 420, 468 & 471 read with Section 34 IPC and filed the present Criminal Petition to quash the proceedings initiated against him.

3. The facts of the case are that the second respondent herein filed a complaint dated 15-09-2011 before the Station House Officer, Madhapur Police Station, Cyberabad, Hyderabad stating that she purchased Plot Nos.327 & 328 in Survey No.97 situated at Kondapur from N. Venkat Reddy under Registered Sale Deed dated 23-04-2003 and she also stated that the petitioner herein and others fabricated the Agreement of Sale-cum-GPA Settlement Deed in respect of 21 Plots of land in favour of third parties and mortgaged in favour of the bank. The plots, which are already sold, are once again sold to different purchasers in the year 2003 by fabricating the documents. Basing on the said complaint, a crime was registered for the offences under Sections 420, 468 & 471 IPC. Aggrieved by the registration of the crime, the present Criminal Petition is filed.

4. A perusal of the contents of the complaint would reveal that a *prima facie* case is shown for registration of the crime against the

petitioner herein and others since the petitioner is alleged to have sold the same plots to different persons by committing offence of cheating and forgery.

5. The counsel for the petitioner submitted that the matter is civil in nature and the subject matter of the complaint is already covered by an earlier complaint. However, in the light of the disputed questions of fact, this Court is of the opinion that there are no merits in the petition since a prima facie case is already made out from the complaint. However, the crime is at the investigation stage.

6. In the light of the disputed questions of fact unless the crime is investigated, the truth may not come out. Therefore, there are no merits in the Criminal Petition and accordingly, the same is hereby dismissed. However, during the course of investigation, if the investigating officer requires the presence of the petitioner, he is at liberty to invoke the provisions of Section 41-A of Cr.P.C., as per law.

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

JUSTICE P. KESHA RAO

Date: 24.10.2017
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