

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL.R.C. No.2054 OF 2017

ORDER:

This revision is filed under Sections 397 and 401 of Cr.P.C. challenging the docket order dt.02.01.2017 directing the police to investigate and file a report on the memo filed by the petitioner.

2) The complainant—Garlapati Venkateswarlu, filed a private complaint before the learned XXIII Metropolitan Magistrate, Hyderabad and the same was registered under Sections 415, 417, 418, 420, 423 and 425 IPC and thereafter, learned Magistrate passed the order under challenge.

3) The present revision is filed on various grounds contending that the learned Magistrate by mistake recorded the finding with regard to the management of the company, ownership of the property and therefore, the petitioners prayed to set-aside the order dated 02.01.2017.

4) The present revision is filed on various grounds. During hearing, learned counsel for the petitioner neither appeared nor got the matter represented. However, in criminal revision case, this Court even in the absence of counsel, can peruse the record and pass appropriate orders. Therefore, I have no other alternative, except to dispose of the revision by verifying the record available, as per decision in **NISHA SHARMA AND OTHERS v. VINOD KUMAR SHARMA**¹.

¹ 1990 Cr.L.J. (NOC) 57 (Delhi)

5) Therefore, persuaded by the judgment of Delhi High Court, without waiting for the counsel for the petitioner, I would like to decide the revision pending before this court in accordance with law verifying the record at the stage of admission.

6) The Court passed an order dated 02.01.2017, which reads as follows:

“Perused the record.

A2 has got 200 Sq.yds of land in Plot No.29 part in Sy.No.36/AA of Manikonda Jagir. A2 has entered into an agreement of sale cum GPA in possession with A.Seetharam Chander Rao and Garlapati Venateshwarlu and Some Keshavulu for semi finished house in the above said plot to an extent of 100 Sq.yds each for total payment of Rs.24,85,000/- each and A2 has acknowledge the same. While so A2 executed four Gift Settlement deeds in favour of B.Suresh, G.Suvarna, B.Suresh and B.Suvarna with document bearing No.11/2011, 12/2011, 9/2011 and 10/2011 while existence of the agreement of sale cum GPA bearing document Nos.142 and 141 of 2009. A2 established a business in the name of Sri A.venkateshwara Food Products and obtained loan from Canara Bank, Narayanaguda Branch by depositing registered gift deed bearing document Nos.9/2011, 10/2011, 11/2011 and 12/2011. The complainant and others on verification found the same. While so the Canara Bank, Narayanaguda Branch had initiated auction proceedings for the discharges of due amount of Rs.79,20,000/-. The complainant and others filed a Writ Petition before the Hon'ble High Court and got the auction stayed. A2 have an entered into agreement of sale cum GPA with possession had executed our Gift Settlement deeds in favour of his wife and sons without having any right over the said property and deposited the said Gift deeds in Bank without any knowledge of the complainant and others and thus A2 to A4 and the complainant/A1 represented by A2 have committed fraud with intention to cheat and dishonestly induce the complainants to deliver the property and thus the A1 to A4 have committed the offences cheating.

Having gone through the record I am of the opinion that it is a fit case to refer the complaint to the police for investigation and report.

Hence, the complaint is refer to the police for investigation and report call on 30.01.2017.”

7) The Court after verifying the material on record, referred to the police for investigation and called for final report of investigation by 30.01.2017. Therefore, this is neither an interlocutory order nor a final order. If the police registered the crime against the petitioner based on reference under Section 156 (3) Cr.P.C, remedy is left open to the petitioner to quash the FIR, if any.

8) Therefore, at this stage even before registration of the crime, petitioner cannot challenge the order passed by the Court. Hence, I find no ground to interfere with the order passed by the Trial Court and the revision is liable to be dismissed at the stage of admission.

9) In the result, the criminal revision case is dismissed at the stage of admission.

10) Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

M.SATYANARAYANA MURTHY,J

Date:18.09.2017
knl

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



CRLRC. NO.187 OF 2017

Date:04.09.2017

ccm

