

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2830 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in CC.No.165 of 2008 on the file of the Judicial First Class Magistrate, Shadnagar.

2. Heard counsel for the petitioner and the learned Public Prosecutor, who takes notice for first respondent. None appears for the second respondent in spite of notice.

3. The counsel for the petitioner brings to the notice of this Court that the proceedings against A2, against whom material allegations are made, are quashed by virtue of the order of this Court in CRLP.No.950 of 2012 dated 26.09.2012. A copy of the order is also furnished. This Court took into consideration that the second respondent i.e. defacto complainant filed a suit in respect of the disputed property and withdrew the suit by receiving the total sale consideration. This Court considered that in the background of the said facts, the continuation of proceedings against the petitioner therein, who is A2, who is a subsequent purchaser from A1, is an abuse of process of law.

4. The allegations against the petitioners is that they are associates of A2 and A3 purchased some piece of land from A1, A4 is the site incharge, A5 is the General Manager and A6 is the Assistant General Manager of A3's venture. The allegation against A1 is that he executed sale deed in favour of A2, after executing the said deed to

the complainant in respect of the same land, A2 subsequently sold to A3, which is a company. Hence, when the proceedings against A2 are quashed, no purpose would be served by continuing the proceedings against the other accused.

The criminal petition is allowed and all further proceedings in CC.No.165 of 2008 on the file of the Judicial First Class Magistrate, Shadnagar against the petitioners are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 27, 2017
DSK

T. RAJANI, J

