

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9285 of 2017

ORDER:

Heard learned counsel for the petitioners/accused Nos.1 to 6 in crime No.1238 of 2017 of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Sections 420, 406 & 506 IPC and also heard the learned Public Prosecutor representing the 1st respondent-State and before ordering notice to the 2nd respondent-complainant and perused the grounds urged in the quash petition and the contents of the FIR and the civil suit in O.S.No.999 of 2017 filed by the accused persons herein against the defacto complainant vendee of the agreement for sale dated 31.01.2017 and exchange of notices and the very report speaks the vendees chosen to go back of the agreement saying there is a proposed road widening in near future for part of the land and even to say if at all the same tantamounts to the offence of cheating there is no basis as nothing even shown as any notification issued for acquisition of the land in question for road widening much less before entering of the contract for sale in January 2017.

Having regard to the above, there is force in the contention of civil dispute is chosen to convert by the defacto complainant, vendee, with criminal flavour instead of filing a suit for specific performance since already the accused persons filed suit for cancelling the agreement to decide.

Having regard to the above, though there is nothing to interdict the investigation, there shall be stay of arrest of the petitioners/accused pending investigation.

With the above observations, the Criminal Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.10.2017
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