

SMT. JUSTICE T.RAJANI

Criminal Petition No.8921 of 2011

ORDER:

This petition is filed seeking to quash the charge sheet in CC.No.45 of 2011 on the file of the II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District.

Heard the learned counsel for the petitioners. The learned Public Prosecutor takes notice on behalf of the 1st respondent, State of Andhra Pradesh. The learned counsel for the 2nd respondent does not appear. They agree for the matter to be disposed of at the admission stage.

The contents of the complaint can be looked into to see whether any offence is made out from the allegations made therein. The contents are that the complainant purchased a house property from the accused for valid consideration and paid advance consideration on the same day and the balance amounts were being paid thereafter on various dates and the entire consideration amount was paid ultimately. The accused have to execute registered sale deed as per the condition of the sale agreement, within one month from the date of execution of the registered sale agreement. The complainant also issued legal notice to the accused to come and register the house property in his name on 26.11.2010 and after receiving legal notice, only the first accused was present while the other accused were absent and it is alleged that the other three accused No.1 to 3 are trying to sell away the property to third parties for higher consideration, only with an intention of dishonest cheating.

The contents of the complaint would only reveal a civil dispute. On the mere failure of the accused to appear before the Registrar's office it appears that the complainant entertained a doubt that the petitioners are selling the property to the third parties. There is absolutely no basis laid in the complaint that such attempts are made or are being made by

the accused. The complainant has civil remedies in respect of all the grievances, which are mentioned in the complaint. Hence, this Court opines that on the face value of the complaint itself no offence is evident against the accused. Hence, it is considered that further proceedings in C.C. No.45 of 2011 on the file of II Additional Judicial Magistrate of First Class, Madanapalle would be sheer abuse of process of law.

In the result, while allowing this criminal petition quashing the charge sheet in C.C. No.45 of 2011 on the file of the II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District. Miscellaneous petitions, if any, pending consideration, shall stand closed in consequence.

Date: 30.10.2017
LSK



JUSTICE T.RAJANI