

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.498 of 2017

ORDER :

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in C.C.No.274 of 2015 on the file of the Judicial First Class Magistrate, Piduguralla.

2. Heard Sri G.Umapathi Sastry, learned counsel for the petitioner and learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. The petitioner is arraigned as sole accused in the aforesaid calendar case alleging that he has committed the offences punishable under Sections 420 and 506 IPC.

4. The learned counsel for the petitioner pleaded that it is a purely civil dispute and the remedy is elsewhere not by resorting to criminal action against the petitioner by the 2nd respondent-de facto complainant, who purchased landed property of Ac.0.09 cents of the petitioner under an agreement of sale and incase the de facto complainant has got any grievance, he shall approach civil Court and obtain judgment and decree for enforcement of the said agreement of sale. The learned counsel drawn the attention to the agreement of sale with possession, under which the petitioner herein said to have purchased Ac.1.00 of land for a consideration of Rs.15,00,000/- but not under the registered sale deed. Later, it appears, the petitioner and the de facto complainant entered into agreement of sale, the copy of

which is filed and which shows that the petitioner obtained Rs.13,00,000/- as advance, out of total consideration of Rs.14,32,500/-. Though, apparently it looks as if it is a matter relating to civil dispute, still, the very fact that the petitioner mentioning that he is the absolute owner of the property in the agreement of sale is a circumstance, which requires to be examined in detail and which can only be done during the course of trial. Therefore, it is not a fit case where the quashment can be acceded to.

5. Accordingly, the criminal petition is dismissed.

6. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

25th January 2017.

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