

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.3024 OF 2011

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.134 of 2007 on the file of the VIII Metropolitan Magistrate, Rajendranagar, Cyberabad.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent. In spite of notice served on him, the 2nd respondent has not appeared.

3. Learned counsel for the petitioner submits that this is purely civil dispute between the parties and the allegations are that the accused agreed to sell the property to the complainant and received some amount by way of cheque; Subsequently, he sold a part of the property to another person, hence, ingredients of Section 420 IPC are not made out. The charge sheet shows that during the course of investigation, the fact that the accused executed sale agreement to another person came to light. Intention is something, which is lodged in the mind. Hence, the circumstances from which the intention of the accused can be gathered would come to light through the evidence, during trial. It is not advisable to quash the proceedings at this stage. Moreover, the powers under Section 482 Cr.P.C. can be invoked only under exceptional circumstances i.e., if on the face value of the complainant's information, the offence is not made out against the accused. The petitioner is at liberty to file discharge petition before the Court below and raise all the contentions raised herein, before the trial Court.

4. Considering the submission of the learned counsel for the petitioner that the petitioner is finding difficult to attend the trial Court on each and every date of adjournment, the trial Court is directed not to insist upon the presence of the petitioner on each and every date of adjournment unless it is necessary for the proceedings.

5. With the above observation, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending, in this petition shall stand closed.

T.RAJANI, J

DATED: 03-11-2017.

Hsd

