

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.1616 AND 1615 OF 2017

COMMON ORDER:

Both these petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the First Information Report in Crime No.10 of 2017 of Luxettipet Police Station, Mancherial District, Telangana State.

2. The petitioners in both the petitions are arraigned as accused Nos.1 to 3 in the aforesaid Crime. They alleged to have committed the offences punishable under Sections 420 and 506 read with 34 of Indian Penal Code, 1860 (for short 'IPC').

3. Heard Sri Y. Ashok Raj, learned counsel for the petitioners in both the petitions and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that none of the ingredients of the offence punishable under Section 420 IPC are to be found in the complaint and also concerning the offence under Section 506 IPC. It is according to him, even going to the extent that the complaint averments are true, though not admitted, it is purely a civil dispute which is converted into criminal action.

5. The learned Additional Public Prosecutor would strongly resist the request.

6. The complaint averments would show that respondent No.2 - *de facto* complainant along with two others said to have purchased Ac.0.16 guntas of land in survey No.61/AA, situated at Uthkur village, Luxettipet Mandal, Mancherial District from accused No.1 for a total sale consideration of Rs.12,00,000/- and said to have paid certain amounts i.e., Rs.4,00,000/- as advance on 08.08.2012; Rs.2,00,000/- on 14.09.2012, Rs.2,50,000/- on 16.09.2012, Rs.1,50,000/- on 29.12.2012 and Rs.1,00,000/- on 14.11.2013, making a total amount of Rs.11,00,000/-. Though, the possession was given, their vendor went on postponing the registration. It is also stated in the complaint that the son of their vendor, M.D. Masrur, who is arraigned as accused No.2, claiming that he has got a share in the said land and since the land is standing in the name of his mother, he and his mother executed sale deed in favour of their close relative, S.K.Maksood Ali, who is arraigned as accused No.3, only to deceive the *de facto* complainant and his co-vendees, and now all of them are threatening the *de facto* complainant and his co-vendees to vacate the subject land.

7. The case is at crime stage. The submissions relate to disputed questions of fact. Unless the investigation is conducted, the truth cannot be unravelled including whether there was deception and dishonest intention in executing a sale deed in favour of accused No.3, who claimed to be the close relative of accused No.1 - Rahis Sulthana,

who, earlier agreed to sell the property to the *de facto* complainant and two others and received Rs.11,00,000/-. Therefore, it cannot be viewed, at this stage, that investigation into crime would amount to the abuse of process of law.

Therefore, both the petitions are dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in both the petitions stand closed.

April 20, 2017.
Mgr

A. SHANKAR NARAYANA, J

