

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No. 2461 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioners herein, who are accused Nos.2 to 4 in Crime No.207 of 2011 on the file of the KPHB Colony Police Station, Cyberabad.

2. Heard the counsel for the petitioners and the Public Prosecutor, who appears for the 1st respondent. None appears for the 2nd respondent, in spite of notice.

3. The counsel for the petitioners takes this court through the contents of the complaint, wherein only bare allegations are made, which are as vague as vagueness can be. The allegations are that the 2nd respondent entered into an agreement with A1 and thereafter promised to deliver the possession of the property to the complainant after receiving the entire balance sale consideration and as regards the petitioners, herein the allegations are that A1 colluded with A2 to A4 to sell the said property in favour of A2 and register the same in his name. The allegations of the complaint, even if taken on their face value, do not make out any offence against A2 to A4. Simply because the sale deed is registered in the name of A2, it cannot be said that there was any collusion between him and A1, to say that he was aware of the sale agreement between A1 and respondent No.2. The agreement is dated 20.12.2009 and the sale deed is dated 12.03.2010. The sale deed is executed within

a span of less than three months. It is contended that the averments in the complaint that he came down to Bangalore from Hyderabad several times and approached A1 to register the said plot and A1 dragged the matter and when he went to the property, which is handed over by A1, he found that A2 and A3 obstructed the complainant and informed that they purchased the property, are incomprehensible, within that short span of time.

4. Be that as it may, *Prima facie*, no basis for concluding that A2 to 4 colluded with A1 can be made out. The averments in the complaint seem to be very vague and there are no specific allegations made against A2 to A4, which constitute a conspiracy between them and A1 and they cannot be prosecuted for the offences under Section 447 IPC, as there is a valid sale deed in favour of A2. The averments in the complaint that A1 to A4 broke open the locks and trespassed into the complainant's property are absolutely inconsistent with the averments that the possession of the property was not delivered and it is promised to be delivered only after receiving the balance sale consideration. There are no allegations pertaining to the offence under section 323 IPC. In the light of the above apparently false allegations, the allegations that the petitioners harassed and abused him also seem to be false. Unless the ingredients of the alleged offences are atleast apparently evident, the offences alleged do not stand. The effort of the respondent No.2, seems to be to paint the dispute, which is of pure civil nature, with a brush of criminality.

5. Hence, in the light of the above observations, this court opines that further proceedings against A2 to A4 would only be an abuse of process of law.

6. The Criminal petition is accordingly allowed and the further proceedings in Crime No.207 of 2011, dated 08.03.2011, on the file of KPHB Colony Police Station, Cyberabad are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November , 2017
LMV



T. RAJANI, J