

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1485 OF 2017

ORDER:

The present Criminal Petition is filed by accused Nos.1 and 5 respectively under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the First Information Report in Crime No.259 of 2016 of Chaitanyapuri Police Station, Cyberabad.

2. The petitioners along with three others alleged to have committed the offences punishable under Sections 420 and 406 read with 34 IPC.

3. Sri Kuriti Bhaskara Rao, learned counsel for the petitioners, would submit that, in fact, M/s. M & M Infracon Projects (India) Privated Limited has acquired an extent of slightly more than Acs.32.00 guntas in various survey numbers situated at Yadagiripally and other villages near Yadagirigutta, under different registered sale deeds, and the said company was being managed by the petitioners and three others as its Directors; later the aforesaid land was developed by converting them into plots and put them to sale in the open market; that due to differences among the Directors of the aforesaid company, they could not complete the execution of sale deeds in favour of prospective purchasers and, in fact, there is enough land left over, the question of cheating does not arise and, therefore, to quash the FIR.

4. The learned Additional Public Prosecutor for the State of Telangana strongly resists the request contending that it is not as though that only the *de facto* complainant became the victim, but several others, in fact, paid amounts to the petitioners and other three accused and having received the amounts to sell 150 square yards each plot, not just postponing the execution of sale deeds, but outrightly refused to execute sale deeds and played fraud on the persons, who paid substantial amounts shown at page No.2 of the complaint with relevant details.

5. Perused the complaint averments. It is to be stated even, at this stage, that the allegations *prima facie* would show the complicity of the petitioners in the commission of the offences alleged against them. There is no need to refer to the details of the land acquisition proceedings. Even otherwise, the documents filed by the petitioners i.e., copy of order in I.A. No.845 of 2015 in Arb.O.P. No.446 of 2015 on the file of the Principal District Judge at Nalgonda, which proceedings were filed by the wife of accused No.2 against the firm and other directors, and the orders in W.P. Nos.42848 of 2016 and 41324 of 2016 would not be of any assistance at this stage to view the complaint as vexatious or to construe as the one without any concrete ground and, therefore, to quash the FIR to prevent abuse of process of law. The complaint allegations require a thorough probe in order to ascertain the alleged deception and fraud by the petitioners and other

accused, which can be unravelled during course of investigation when evidences are collected by the Investigating Officer.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

March 01, 2017.

Mgr

