

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1478 OF 2017

ORDER:

The petitioner herein requests, to quash the First Information Report in Crime No.16 of 2017 of Pothkapalli Police Station, Ramagundam District, Telangana State, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code').

2. The petitioner, who is arraigned as sole accused, alleged to have committed the offence punishable under Section 420 IPC.

3. Sri Police Venkat Reddy, learned counsel for the petitioner, while pleading innocence of the petitioner, would submit that, though, the transaction was in regard to the land in an extent of 150 square yards in Survey No.427 between the *de facto* complainant, who is respondent No.2 herein, and the petitioner, but the *de facto* complainant started making constructions in Survey No.426, that too in 200 square yards and, in fact, wife of the petitioner has also filed Writ Petition No.2131 of 2017 and a learned Single Judge of this Court disposed of the same on 27.01.2017, directing the Secretary, Odela Gram Panchayat, to dispose of the writ petition within a period of one month. It is according to him, that it is a civil dispute and to quash the proceedings to prevent abuse of process of law.

4. The learned Additional Public Prosecutor for the State of Telangana, would strongly resist the request, submitting that the

petitioner having agreed to sell the aforesaid extent of land in Survey No.427 to the *de facto* complainant and made her to part with Rs.40,000/- towards sale consideration and having agreed to register the same, sold it away to one Manda Chilkamma under a registered sale deed and when the *de facto* complainant questioned him, the petitioner promised that he would give the same extent in Survey No.426 and having permitted her to construct a house unauthorisedly, obstructed her and, thus, the offence of cheating would attract.

5. A perusal of the complaint would show that, in fact, the advance amount of Rs.2,000/- was said to have paid by the *de facto* complainant on 07.04.2004 and balance was paid on 19.04.2004; that the very same plot was sold by the petitioner to one Manda Chilkamma, and later permitted the *de facto* complainant to take the same extent in Survey No.426 and when she started constructions legitimately, having obstructed, threatened the *de facto* complainant to approach whomsoever she intends and with a dishonest intention, he deceived her.

6. It is no doubt true, copy of the order in W.P. No.2131 of 2017 is filed, which was preferred by one P. Vijaya Laxmi, who is wife of the petitioner herein, arraying the *de facto* complainant as respondent No.5. But, the order passed by a learned Single Judge of this Court is to the effect that, respondent No.3 - the Secretary, Odela Gram Panchayat, directed to take appropriate action on the

representation, dated 26.09.2016 said to have submitted by the wife of the petitioner herein in accordance with law and to decide the same within a period of one month from the date of receipt of a copy of that order. Certainly, from the said direction/order passed in the above writ petition, the complaint allegations cannot be viewed as false at this stage, unless a thorough investigation is held. Therefore, the First Information Report cannot be viewed as either vexatious or, in case proceeded with the investigation would amount to abuse of process of law.

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

A. SHANKAR NARAYANA, J

February 28, 2017.

Mgr