

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2278 of 2017

ORDER:

The present petition is 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.134 of 2017 of Medipally Police Station, Rachakonda Police Commissionerate, Telangana.

The petitioner, who is arraigned as accused No.2 in the aforesaid crime, along with accused No.1 alleged to have committed the offences punishable under Sections 420, 406, 448 and 427 of IPC.

Learned counsel for the petitioner would submit that the petitioner is only a builder, whereas accused No.1, who is the owner of the land, sold the flat, which is the subject matter herein, to the *de facto* complainant/respondent No.2 herein. It is also his submission that even taking the face value of the complaint, there is no allegation worth the name to connect the complicity of the petitioner in the commission of the alleged offences. Learned counsel would also submit that the owner of the land sold the flat to the *de facto* complainant and it was handed over back only for the purpose of carrying out the remaining part of unfinished works.

The complaint would show that after the house warming ceremony was over, the petitioner has taken possession of the flat for the purpose of completion of the works in the said flat and, taking undue advantage of the same, accused No.1 and the petitioner, having occupied

the flat, let out the same to Sri Sai Hasya Delux Ladies Hostel and, thus, misrepresentation and cheating allegations have been levelled against the petitioners. Learned counsel for the petitioner would, however, make a request to direct the Investigating Officer to follow the procedure prescribed under the provisions of Section 41A of the Code. The same appears to be reasonable, in view of the allegations levelled against the petitioner finding place in the complaint.

Hence, the Criminal Petition is disposed of directing the Investigating Officer to follow the procedure inlaid under the provisions of Section 41A of the Code.

Miscellaneous applications, if any, pending in the present petition stand closed.

20.03.2017

v v

JUSTICE A.SHANKAR NARAYANA

