

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1674 OF 2017

ORDR:

The present petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the Code') requesting to quash the proceedings in First Information Report in Crime No.16 of 2017 on the file of Nirmal Town P.S., Nirmal District.

2. The petitioners are arraigned as accused Nos.1 to 3. They alleged to have committed the offences punishable under Sections 420 & 506 read with Section 34 of I.P.C.

3. Heard Sri Mohammed Afzaluddin Dakhani, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that the allegations levelled in the complaint are wholly false, even otherwise only remedy available to the *de facto* complainant is to file a suit. It is his submission, in fact, a letter was addressed to the Office of Sub-Registrar, Nirmal, on 17.2.2017, requesting the Joint Registrar, Stamps & Registration Department, Nirmal, not to register the subject property, as the 1st petitioner learnt and suspect through the relevant sources that one Tanveer Khan, Muneer, Shahnwaz and Nayeem have been creating and fabricating false documents and intending to get

registered the subject property in their favour or in favour of third parties.

5. The learned counsel for the petitioners has also drawn attention of the Court to the order of Andhra Pradesh Human Rights Commission, dated 17.12.2017, which is filed along with material papers. The contents of the order read thus:

“Petitioner is present. Heard the petitioner. Perused the contents in the application. The recitals in the complaint refers to a sale transaction in connection with a house. The alleged purchaser having paid the advance of sale consideration failed to pay the balance of sale consideration before getting the document registered from the petitioner when she is asking for balance of sale consideration the alleged purchaser Tanveer Khan and associates threatened her with dire consequences and in the said connection when she approached the police concerned they are not receiving the complaint. Let the petitioner approach the police concerned i.e., Nirmal Town Police Station and lodge a complaint with regard to the incident. If she does so let the police concerned shall initiate action in accordance with law. With this observation the petition is closed.”

6. Thus, it is clear that the 1st petitioner approached the A.P. Human Rights Commission complaining that the *de facto* complainant and his associates threatened her with dire consequences when she had asked for payment of balance sale consideration and when she approached the police they refused to receive the complaint. The said contents are inconsistent with the contents in the letter addressed to the Joint Registrar, Stamps & Registration Department, Nirmal, referred to in the above.

7. The learned Additional Public Prosecutor for the State of Telangana resisted the request of the petitioners and would submit that the investigation is under progress and Case Diary is supplied.

8. Perused the Case Diary submitted by the learned Additional Public Prosecutor.

9. Whether there is dishonest intention right from the beginning when the 1st petitioner alleged to have received Rs.2,00,000/- as advance, and on 26.8.2016 a sum of Rs.60,000/- and further sum of Rs.4,000/- on 8.11.2016 through online transfer by the *de facto* complainant to the brother of the 1st petitioner, can only be examined during investigation and the evidences collected by the investigating officer. Therefore, it cannot be said that there are no *prima facie* allegations against the petitioners at this stage to make out a case as to commission of the offences alleged.

10. Hence, the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

Dt.20.03.2017

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