

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4467 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.307 of 2017 on the file of the Station House Officer, Malkajgiri Police Station, Rachakonda District, registered for the offences punishable under Sections 420, 406 and 120B read with 34 I.P.C.

2. Learned counsel for the petitioners strenuously submitted that the second respondent converted the civil litigation into criminal and foisted a false case against the petitioners. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners.

3. Learned Assistant Public Prosecutor submitted that the third petitioner has issued the cheque in favour of the second respondent with an intention to deceive him. He further submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.307 of 2017. The second respondent entered into an agreement with the first petitioner on 18.04.2016 to purchase the flat and paid an amount of Rs.2,00,000/- towards advance money. As per the terms and conditions of the agreement, the second respondent has to pay the balance consideration within four months.

5. As per the allegations made in the complaint, on one pretext or other, the petitioners are postponing the execution of the sale deed in favour of the second respondent. Legal notices were also exchanged between the parties. It is further alleged that the flats were constructed in the Wakf Board property. The third petitioner issued the cheque bearing No.000066 dated 25.12.2016 drawn on HDFC Bank for Rs.2,00,000/- in favour of the second respondent. The second respondent presented the cheque for collection and the same was dishonoured due to 'stop payment'. The gist of the allegations made in the complaint is that the petitioners cheated the second respondent. The allegations made in the complaint are sufficient to investigate into the matter.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gurajat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

7. Accordingly, the Criminal Petition is dismissed.

8. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 16.06.2017
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¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)