

**SMT JUSTICE T.RAJANI**

CRIMINAL PETITION NO.2258 OF 2011

**ORDER:**

The petitioner filed this Criminal Petition under Section 482 of the Code of Criminal Procedure seeking to quash the proceedings in C.C.No.399 of 2010 on the file of the II Additional Judicial First Class Magistrate, Kadapa for the offence punishable under Section 420 of the Indian Penal Code.

Heard the learned counsel for the petitioner and the learned Public Prosecutor, who takes notice on behalf of the first respondent. None appears for the second respondent in spite of notice being served on her.

The petitioner's counsel takes this Court through the contents of the complaint wherein the allegations are that the complainant purchased land from the petitioner and that she also sold out the said land to Mr. Anjaneyulu and others. At the time of registration, she came to know that the survey number was wrongly mentioned as 2017/2006 instead of 2107/2006. Thereafter, she approached not only the petitioner but also one Susmita, who also holds land in the same survey number. They promised to amend the said survey number.

The allegation against the petitioner is that he promised to amend the survey number but dodged the matter and the complainant alleges that it amounts to cheating. But in the considered opinion of this Court, none of the allegations made in the complaint would amount to cheating. It appears to be only an error which occurred due to oversight. The contents of the complaint also show that she has been approaching the petitioner

for amendment of the said mistaken survey number. Hence, it is completely a dispute, which is civil in nature and this Court opines that any further proceedings would result in sheer abuse of process of law.

Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.399 of 2010 on the file of the II Additional Judicial First Class Magistrate, Kadapa are hereby quashed. The complainant can seek her remedies by appropriate methods. Miscellaneous petitions, if any, pending shall stand closed.

15<sup>th</sup> November 2017  
RRB



**(T.RAJANI, J)**