

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.9495 OF 2011

ORDER:

The criminal petition is filed for quash of the proceedings in Cr.No.190 of 2011 on the file of the Dy. Commissioner of Police, Detective Division, Central Crime Station, Hyderabad, registered for the offences under Sections 384, 420, 452, 468, 506 and 471 read with Section 34 IPC.

Heard learned counsel for the petitioners, the learned Public Prosecutor appearing for the 1st respondent and Sri J. Prabhakar, learned counsel for the 2nd respondent.

The allegations in the complaint are that the complainant and the accused are known to each other. A.1 wanted to sell his house and the complainant agreed to purchase the said house and entered into agreement. In the month of November, 2009, when the complainant visited the premises, he found the entire house demolished by unknown persons and on enquiries, he came to know that the said property is in dispute and he realized that he was cheated.

Learned counsel for the petitioners submits that the complainant filed O.S.No.95 of 2011 on the file of the I Additional Chief Judge, City Civil Court, Secunderabad, for recovery of money and that the same ended in compromise, wherein the complainant agreed to withdraw the present case also, but he is not coming forward. Learned counsel has filed a copy of the award made by the Court in terms of the joint memo of compromise filed by the parties in the said suit. The counsel also contends that, in the complaint, though cause

of action is said to have arisen on 02.08.2010, it is not explained as to what is the cause of action that had arisen on the said date.

Hence, considering the fact that suit for recovery of money was filed and the same ended in compromise, continuance of the proceedings in the crime in question would be a futile exercise.

Accordingly, the criminal petition is allowed and the proceedings against the petitioners in Cr.No.190 of 2011 on the file of the Dy. Commissioner of Police, Detective Division, Central Crime Station, Hyderabad, are quashed.

As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

August 28, 2018
MRR



T. RAJANI, J