

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3591 OF 2018

ORDER.

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners/A.7 and A.18 seeking to quash the proceedings against them in C.C.No.529 of 2015 on the file of XXI Metropolitan Magistrate, Cyberabad at Ranga Reddy District wherein, the petitioners and other accused allegedly committed the offence under Sections 420, 406, 464 and 120-B I.P.C.

The allegations in the complaint, in brief, are that all the accused represented that they are the owners of the disputed property and they entered into an agreement to sell dated 1-11-2006 with the defacto complainant to sell the same for Rs.8,40,06,000/- and received an advance amount of Rs.50,00,000/- from him, thereafter also he paid amounts periodically. Later, on enquiry, he came to know that the accused are not the owners and land stands in the name of one Mamidi Yadi Reddy and Sama Narsimha Reddy, who are pattadars of the disputed land and thus, accused have cheated him. The investigation is completed and charge sheet is filed.

The submission of the learned counsel for the petitioners is that though the petitioners' names are mentioned in the alleged agreement of sale dated 1-11-2006, in fact, they are not the signatories of the sale agreement which is evident from the agreement itself. Therefore, they have nothing to do with the alleged offence. On this submission, learned counsel for the petitioners sought to quash the proceedings.

As in this case, investigation is completed and charge sheet is filed and the case was registered as C.C.No.529 of 2015, it is not a fit case to quash the proceedings at this stage. However, an opportunity is given to the petitioners/A.7 and A.18 to move the trial court with an appropriate application seeking their discharge, in which case, the trial court shall pass the order on merits.

Having regard to the submission of learned counsel for the petitioners, the appearance of the petitioners/A.7 and A.18 in C.C.No.529 of 2015 on the file of XXI Metropolitan Magistrate, Cyberabad at Medchal Ranga Reddy District is dispensed with except on the occasions, when the trial court requires their attendance.

Accordingly, this Criminal Petition is disposed of.

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

JUSTICE U.DURGA PRASAD RAO

Dated 27th March, 2018.

Dvs



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