

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4221 OF 2018

ORDER.

This Criminal Petition is filed under Section 482 Cr.P.C. filed by the petitioners/A.1 and A.2 seeking to quash the proceedings against them in Cr.No.148 of 2018 of Moinabad Police Station, Hyderabad, registered for the offence under Section 420 I.P.C.

First petitioner is the father and second petitioner is the daughter.

Brief allegations of complaint are, the complainant has purchased the land in an extent of Ac.5.23 gts. in S.No. 77 and 83 of Himayathnagar village belonging to first petitioner/A.1 under a registered sale deed dated 19-7-2016. The second petitioner/A.2 is a witness in the said sale deed. While so, both the accused colluded together and in order to cheat the complainant, they entered into a gift settlement deed dated 31-8-2017, whereunder, the petitioner/A.1 executed a gift deed in favour of petitioner/A.2 in respect of some landed property including the land sold to the complainant. The investigation is under way.

Denying the complaint allegations, counsel for the petitioner would submit the petitioners never intended to cheat the complainant and due to oversight, a gift deed was executed in favour of petitioner/A.2 and they are contemplating to execute a rectification deed by omitting the land sold to the complainant from the gift settlement, but however, at the instance of complainant,

police are harassing petitioners to not only exclude the land sold to the complainant but also pay additional amount.

Be that it may, since the investigation is on the way, in my considered view it shall be proceeded to its logical conclusion. However, Investigating Officer shall strictly follow the guidelines of the Apex Court rendered in *ARNESH KUMAR Vs. STATE OF BIHAR* (¹) and also follow the provision under Section 41-A Cr.P.C. towards the petitioners. In turn, the petitioner shall cooperate with the investigating agency for smooth completion of investigation.

It is to be further noted, in case parties propose to compromise the issue, the Investigating Officer shall not suggest any mode of compromise between them and leave the same to the parties.

This Criminal Petition is disposed of accordingly.

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

JUSTICE U.DURGA PRASAD RAO

Dated 25th April, 2018.

Dvs

¹ 2014 (3) ACR 2670 (SC)

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Dated 25th April, 2018.

Dvs