

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.3274 of 2017

ORDER :

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners/A.1 to A.3 seeking to quash the proceedings in C.C.No.241 of 2016 on the file of the Judicial First Class Magistrate, Utnoor, Adilabad District, registered against them for the offences punishable under Sections 417, 420, 120-B of IPC.

Heard learned counsel for the petitioners/A.1 to A.3 as well as the learned Additional Public Prosecutor appearing for respondent No.1 – State and perused the material on record.

Learned counsel for the petitioners submits that the ingredients of the offences alleged against the petitioners are not present in the complaint.

It is to be noted that the concluding paragraph of the charge sheet reads as follows:

“From the facts and evidence collected, it is established that the complainant and accused No.1 to 3 are own brothers and there was disputes among them since long time with regard to the land bearing Sy.No.98 (185) extent of 0.14 guntas situated at Lakkaram Village, which was made as plots No.1 to 9 and plot No.06 fell to the share of complainant. But accused No.1 to 3 conspired with each other and sold away the plot No.6 of the complainant without knowledge and consent to one Nagawath Sritha (LW.18) through A-1 for a consideration of Rs.45,000/- with a dishonest intention to cheat the complainant as well as the said Nagawath Saritha (LW.18). Later LW.18 constructed a RCC house. As such a case is established against A.1 to A.3 for the

offence U/S. 417, 420, 120-B IPC. That often the constructin of RCC house by N. Saritha as usual she applied with GP authorities i.e., A.4 and A.5 for necessary entries in the concerned records. A.6 to A.10 are no way concerned with the criminal conspiracy of A.1 to A.3. A.4 and A.5 being the concerned authorities they made entries in registers with regard to the RCC house of N. Saritha as a part and parcel of their duty and they were not concerned to question the ownership of plot No.6. The offences as alleged by the complainant against A.4 to A.10 not established hence not charge sheeted. The section of law 468 IPC is not established against A.1 to A.3 hence deleted. Thus the accused person A.1 to A.3 committed an offence, liable to be punished U/S. 420, 417, 120-B IPC.”

In view of the above allegations made in the charge sheet, this is not a fit case to quash the proceedings against the petitioners/A.1 to A.3 in C.C.No.241 of 2016 on the file of Judicial First Class Magistrate, Utnoor, Adilabad District and the criminal petition is liable to be dismissed.

In the result, this Criminal Petition is dismissed. However, the presence of the petitioner Nos.2 and 3/A.2 and A.3 is dispense with during trial, except on the occasions whenever their presence is required by the trial Court. Petitioner No.1/A.1 shall appear before the trial Court on behalf of the other petitioners.

As a sequel, miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

GUDISEVA SHYAM PRASAD, J

25.04.2018.
Msr

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