

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6069 of 2018

ORDER:

The petitioner is the sole accused in crime No.116 of 2018 of Mahabubabad Town Police Station, Mahabubabad, registered for the offence punishable under Section 420 IPC on the report of the 2nd respondent-defacto complainant.

Heard learned counsel for the petitioner and learned counsel for the 2nd respondent and perused the FIR, quash petition averments and the sale agreement and the subsequent settlement agreement dated 08.05.2016 between the petitioner and the 2nd respondent relied on counter and vacate petition by the 2nd respondent and other material on record.

Even from the face value of the contents of the report of the defacto complainant taken as true, no offence under Section 420 IPC made out and if at all the sale deed is not executed pursuant to the agreement having received the sale consideration for balance to be still paid including from the settlement dated 08.05.2016, the remedy of the defacto complainant is to seek for specific performance and not to file a case of cheating.

In the absence of any other averments of from the inception of entering into contract in 2014 there is dishonest mind and to deceive all through. Undisputedly the possession was delivered pursuant to the agreement as mentioned in the agreement of 2014, leave about that agreement how far

enforceable without payment of deficit stamp duty in a civil remedy.

Accordingly and with these observations, this Criminal Petition is allowed and the proceedings in crime No.116 of 2018 of Mahabubabad Town Police Station are quashed and the bail bonds of the accused, if any, shall stand cancelled. Civil remedies if any left open.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31.10.2018
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