

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No. 7856 OF 2011

ORDER:

1. This Criminal Petition under Section 482 Cr.P.C. is filed by Accused Nos. 2 to 9 in C.C.No.692 of 2010 pending adjudication on the file of learned Special Judicial Magistrate of First Class for PCR cases, Warangal.

2. The contention of the petitioners is that they are falsely implicated in the subject crime and the subject complaint is purely civil in nature. It is their further contention that they never sold the property to the second respondent.

3. On the other hand the second respondent contended that she purchased the property from A.1- Jannu Uppalaiah and A.2- Jannu Sadanandam admeasuring to an extent of Ac.0.30 guntas in Sy.No.112 of Deshaipet Village, Warangal under registered sale deed dated 2.7.2008 and she is in peaceful possession and enjoyment of the same since then. It is further contended that Accused Nos. 1 and 2 executed an agreement of sale-cum-General Power of Attorney dated 9.7.2008 in favour of Accused Nos. 7 to 10 in respect of the agricultural land covered by Sy.No.112 admeasuring Ac.0.25 guntas situated in Deshaipet village and that Accused Nos. 3 to 6 stated to have executed a Deed of Rectification in favour of Accused No. 7 to 10 and thereby all the accused colluded each

other and created above documents to cheat and cause loss to her property.

4. A perusal of the record goes to suggest that the complainant/Respondent No.2 is the resident of Girmajipet of Warangal district. A.2 is the son of A.1 while A.3 to A.6 are the brothers of A.1. A1 and A.2 are living under one roof of Deshaipet village. The total extent of land in Sy.No.112 of Deshaipet village is Ac.1.10 guntas and it belongs to A.1, Jannu Sudhakar, Jannu Janardhan @ Immanuel, Jannu Teegalappa @ Tigalaiah, Kommula Yellaiah @ Kommula Aleya and Wanaprthy Cheralu. Further the complainant alleged to have purchased Ac.0.30 guntas on 02.07.2008 through registered sale deed No.3116/08 from A.Jannu Uppalaiah, Jannu Sudhakar, Jannu Janardhan @ Immanuel, Jannu Teegalaiah @ Tegalaiah, Kommula Yellaiah @ Kommula Aleya and Wanaparthly Cheralu. Out of Ac.1.10 guntas, A.1 and A.2 executed sale agreement cum General Power of Attorney vide document No. 3245/2008 dated 09.07.2008 in favour of A.7 to A.10 for an extent of 25 guntas in Sy. No.112, and A.3 to A.6 executed a deed of rectification in favour of A.7 to A.10 vide document No. 4831/08 dated 26.9.2008 for an extent of 25 guntas in Sy.No.112. It is alleged that all the petitioners colluded each other and are creating documents one after the other to cause loss and damage to the second respondent/complainant. The record further reveals that

investigation is completed, charge sheet is filed and the case is numbered as CC.No. 692 of 2010.

5. The facts and circumstances stated hereinabove thus reveal that a specific overt act is attributed against the petitioners/Accused Nos. 2 to 9 and there is sufficient material to prosecute the petitioners. There is nothing to suggest in the criminal petition that the second respondent/complainant abused the process of Court and caused any prejudice to the petitioners in setting the criminal law into motion. The Criminal Petition is therefore liable to be dismissed.

6. In the result, the Criminal Petition is dismissed. Interim stay granted by this Court in CrI.M.P.No.8348 of 2011 dated 30.08.2011 stands vacated.

7. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE N. BALAYOGI

DATED 7TH FEBRUARY, 2018.
Msnrx