

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6577 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in crime No. 153 of 2018 of Jagtial Town Police Station, Jagtial District, registered for the offences punishable under Sections 420 and 506 of IPC.

2. Respondent No. 2 – *de facto* complainant lodged a report on 14-06-2018 with the police alleging that he entered into an agreement with petitioner No. 1 for allotment of 13 ½ plots in Brundavan Township at Korutla and 15 plots in Komaravelli and the former paid an amount of Rs.18,00,000/- to the latter; that thereafter, the latter absconded; that later, petitioner Nos. 2 and 3 approached respondent No. 2 and assured that if the latter pays Rs.50,000/-, they will settle the dispute; that believing the version of petitioner Nos. 2 and 3, respondent No. 2 paid the said amount but they did not register the plots and that when respondent No. 2 asked petitioner Nos. 2 and 3, they threatened him with dire consequences to kill him. On the strength of the report, the above case was registered for the offences referred *supra* and issued F.I.R.

3. The present petition is filed on the ground that the transaction is purely civil in nature and the proceedings against the petitioners cannot be investigated into by the police as a civil wrong is given flavour of criminal law.

4. At the hearing, learned counsel for the petitioners has drawn the attention of this Court to the contents of the report dated 14-06-2018 to contend that the dispute is only with regard to the agreement executed by the petitioners in favour of respondent No. 2 and the latter can enforce the terms of the agreement by

approaching a competent civil Court and therefore approaching the police for registering crime giving flavour of criminal case to the civil proceedings is nothing but an abuse of process of the Court. Learned Public Prosecutor (T.S.) has opposed the petition on the ground that the act done by petitioner Nos. 2 and 3 would directly constitute the offences punishable under Sections 420 and 506 of IPC.

5. A bare look at the allegations made in the report, respondent No. 2 purchased 13 ½ plots in Brundavan Township at Korutla and 15 plots in Komaravelli for Rs.18,00,000/- from petitioner No. 1 and entered into an agreement and thereafter petitioner No. 1 disappeared and did not execute regular registered sale deed. Thus, the dispute between petitioner No. 1 and respondent No. 2 is purely civil in nature. Respondent No. 2 at best can enforce the terms of the agreement by filing a suit for specific performance but lodging report with the police against petitioner No. 1 converting civil litigation into criminal would amount to abuse of process of the Court. Therefore, proceedings against petitioner No. 1 cannot be allowed to continue.

6. The allegations made against petitioner Nos. 2 and 3 *i.e.* collection of amount of Rs.50,000/- to get the document executed in favour of respondent No. 2 by petitioner No. 1 and subsequent failure to do so would constitute the offence punishable under Section 420 of IPC as respondent No. 2 was cheated and dishonestly induced by petitioner Nos. 2 and 3 to part with Rs.50,000/-. The other act of threatening respondent No. 2 to see his end in case he demands the amount in future would fall within the definition of criminal intimidation as defined under Section 503 of IPC which is punishable under Section 506 of IPC. Thus, there is *prima facie* material against petitioner Nos. 2 and 3 to proceed against

them for the offences punishable under Sections 420 and 506 of IPC and no case is made out against petitioner No. 1.

7. The criminal petition is accordingly partly allowed quashing the proceedings against petitioner No. 1 while directing the police to investigate into the offences allegedly committed by petitioner Nos. 2 and 3 and take appropriate action against them in accordance with law. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 26-06-2018.

JSK

M.SATYANARAYANA MURTHY, J.

