

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.52 of 2017

ORDER:

The criminal petition is filed for quash of the proceedings in CC.No.1738 of 2015 on the file of the II Metropolitan Magistrate, Cyberabad at L.B. Nagar. The offence alleged is under Section 420 of Indian Penal Code, 1860.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The counsel for the petitioner takes the Court through the statement of the complainant wherein all the allegations are only against the vendor.

4. The petitioner herein, allegedly, made a layout in the land, which was, allegedly, purchased by the complainant. The statement shows that the petitioner showed xerox copies of the documents under which he purchased the plots. Hence, the grievance, if any, has to be only against the vendor of the plots, who sold the same plot to two persons. The statement also concludes by seeking for an action against the vendor of the plot and not the petitioner herein. Even the charge sheet also reiterates the contents of the statement of the *de facto* complainant, which do not make out any case against the petitioner herein. Hence, continuation of further proceedings would only result be sheer abuse of process of law.

The criminal petition is allowed and the proceedings in CC.No.1738 of 2015 on the file of the II Metropolitan Magistrate, Cyberabad at L.B. Nagar, against the petitioner, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

January 2, 2018
DSK

T. RAJANI, J

