

**SMT. JUSTICE T. RAJANI**

**CRIMINAL PETITION No.3337 OF 2011**

**ORDER:**

The criminal petition is filed for quash of the proceedings in Cr.No.34 of 2011 on the file of the Station House Officer, Vinukonda Police Station, registered for the offences under Sections 120-B, 406, 418, 420 read with Section 34 IPC.

Heard learned counsel for the petitioners, the learned Public Prosecutor appearing for the 2<sup>nd</sup> respondent. Notice sent to the 1<sup>st</sup> respondent returned un-served with an endorsement '*addressee unclaimed*'.

The allegations in the complaint are that there was an agreement of sale between the complainant and the petitioners herein and the petitioners failed to execute sale deed, though they fixed up date on 28.01.2011. While the complainant was waiting for the said date, on 07.01.2011, a publication was made in the newspaper cancelling the agreement entered between them. The complainant further alleges that, suppressing the fact that the mother and other co-sharers are alive, the petitioners entered into agreement of sale with him.

Learned counsel for the petitioners relies on a judgment of the Apex Court in **Trilok Singh and ors. v. Satya Deo Tripathi**<sup>1</sup>, to support his contention that the issue involved is purely a civil dispute.

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<sup>1</sup> AIR 1979 SC 850

But, the facts of the case dealt with by the Apex Court referred above are totally different. In the present case, fact remains that after executing the sale agreement, it was cancelled. As to how it was cancelled and as to whether there was any promise made by the petitioners to execute sale deed on 28.01.2011 are all facts which need to be gone into at the time of trial. Hence, this Court opines that it would not be safe to quash the proceedings at this stage.

Criminal petition is accordingly dismissed.

As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

August 28, 2018  
MRR



**T. RAJANI, J**