

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1779 of 2019

ORDER:

This Criminal Petition is filed under Section 482 of the Criminal Procedure Code, 1973, by the petitioner/accused seeking to quash the proceedings against him in Crime No.108 of 2019 on the file of Korutla PS, Jagtial District, registered for the offences under Sections 420, 290 and 506 IPC.

2. Heard the learned counsel for the petitioner/accused, learned Additional Public Prosecutor for the respondent No.1/State, learned counsel for the respondent No.2/*de facto* complainant and perused the record.

3. Learned counsel for the petitioner/accused would submit that all the allegations made in the FIR are false. Moreover it appears to be civil in nature. The petitioner is innocent person and being harassed unnecessarily by a false report and ultimately prayed to quash the proceedings.

4. Learned counsel for the respondent No.2/*de facto* complainant would submit that an agreement was entered in between the parties to purchase the disputed plot bearing Nos.14 and 43 in Sy.No.791 situated at Korutla Village by the petitioner and the respondent No.2/*de facto* complainant and his sister. All of them have paid equal consideration in total Rs.6,60,000/-. However, fraudulently, the petitioner obtained a registered sale deed in the year 2015. There are sufficient grounds to investigate the case and ultimately prayed to dismiss the petition.

5. Learned Additional Public Prosecutor for the 1st respondent/ State supported the submissions made on behalf of the respondent No.2.

6. It appears from the record that the petitioner, respondent No.2 and his sister entered into an agreement of sale dated 05.08.2013 to purchase plot Nos.14 and 43 in Sy.No.791 situated at Korutla Village, for a sale consideration of Rs.6,60,000/-. All the claimants have contributed the sale consideration equally. However, the sale deed is obtained by the petitioner herein. It is pertinent to state that though the agreement is entered on 05.08.2013 and a sale deed was obtained on 30.05.2015 by the petitioner from the vendor, the subject report is lodged with the police on 20.03.2019, basing on which, this crime is registered and is under investigation. Enormous delay has been occurred in lodging the report with the police. The truth or otherwise of the allegations levelled in the complaint is required to be established in the course of further investigation. Having regard to the nature of the dispute which is in respect of purchase of plots etc., the Station House Officer concerned shall not arrest the petitioner/accused. However, he shall complete the investigation and file final report or charge sheet, as the case may be. The petitioner shall cooperate with the Investigating Officer in investigation of the case.

7. With the above directions, this Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr.JUSTICE SHAMEEM AKTHER

Date: 03.04.2019
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