

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.7463 of 2019

ORDER:

This criminal petition is filed by petitioner/A1 under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.397 of 2019 on the file of Sircilla Police Station, Rajanna Sircilla District, registered for the offences under Sections 420, 306 and 506 IPC, against him.

2. Heard learned counsel for the petitioner/A1; learned Additional Public Prosecutor for the 1st respondent-State and perused the record.

3. It is alleged in the complaint that while the husband of the de-facto complainant was doing real estate business, he purchased a land to an extent of 450 sq. yards in Sy.No.68, situated at bye-pass road, Sircilla, from its owner- Gaddam Nagaraju-A1 by paying advance sale consideration of Rs.45,73,300/- out of the total consideration amount of Rs.47,25,000/-, and ever since, her husband was requesting A1 to register the said land by taking balance amount, but A1 neither took the amount nor executed the registration deed and abetted him to commit suicide. While so, A2, who was doing same business with the husband of the de-facto complainant, has to pay the amount to her husband and that by keeping the land documents with him, A2 demanded her husband to get registration from A1 and he also abetted him to commit suicide. It is further stated in the complaint that on 16.11.2019, at 0430 hours,

her husband went to the house of A1 for the purpose of registration, but at about 0820 hours, she was informed that her husband died in front of the house of A1, and that due to the abetment caused by A1 and A2, her husband committed suicide.

4. Learned counsel for the petitioner/A1 submits that a false complaint has been lodged against the petitioner under the pressure of local politicians due to enmity with him. He further submits that as per the agreement of sale dated 17.05.2018, the deceased has to pay the remaining balance sale consideration within two months, but he failed to discharge his contractual obligation and that the alleged abetment by the petitioner to commit suicide is totally false and baseless. He further submits that the deceased while doing real estate business, indebted into lakhs of rupees to third parties including A2 and due to the said reason, he might have committed suicide in his house, but in order to implicate the petitioner in a false case and to extract huge amounts, the dead body of the deceased kept in front of his house at night time and that the petitioner was not present in his house at that time. He also submits that without any iota of material evidence regarding the allegations of cheating, abetment and criminal intimidation, the present complaint was lodged against the petitioner and hence, the proceedings in the aforesaid crime are liable to be quashed against the petitioner.

5. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and submits that the contents of FIR would disclose the cognizable offence against the petitioner and therefore, the FIR cannot be quashed.

6. After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal**¹'s Case, I am of the view that there can be no interference with the investigation or order staying arrest of the petitioner unless cognizable offence is not ex-facie discernable from the allegations contained in the FIR or there is any statutory restriction operating on the power of the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no ground exists for quashing of the F.I.R or staying the arrest of the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

20th November, 2019.

JUSTICE G.SRI DEVI

sj

¹ 1992 SCC (Crl.)426

