

THE HONOURABLE SRI JUSTICE K. LAKSHMAN**CRIMINAL PETITION No.5198 OF 2020****ORDER:**

This petition is filed under Section 482 of Cr.P.C., seeking to quash the proceedings in Crime No.220 of 2020 on the file of police, I Town Police Station, Nalgonda. The petitioners are A.1 to A.4 in the said crime. The offences alleged against the petitioner are under Sections 420 and 406 read with 34 IPC.

2. Heard Sri Kiran Palakurthi, learned counsel for the petitioners, learned Assistant Public Prosecutor and perused the record.

3. As per the contents of the complaint, dated 03.10.2020, the petitioners and the 2nd respondent have entered into an agreement of sale with regard to sale of house including three mulgies situated at Sikh wada, Nalgonda town. The time fixed for completion of the said transaction is March, 2020. The 2nd respondent failed to perform his part of obligation. Therefore, the petitioners herein have got issued a legal notice dated 3.10.2020 informing to the 2nd respondent that if he fails to perform his part of obligation caste upon him, the said agreement will be cancelled.

4. Now the allegation against the petitioners herein is that though the 2nd respondent is ready to pay the balance sale consideration, the petitioners are not coming forward to execute a registered sale deed in favour of the 2nd respondent by receiving the balance sale consideration.

5. The above stated facts would reveal that there are civil disputes between the petitioners and the 2nd respondent with regard to the sale of above said property.

6. Considering the said facts, and also the fact that the punishment prescribed for the offences alleged against the petitioner is imprisonment of seven years or below seven years, the Criminal Petition is disposed of directing the Police, I Town Police Station, Nalgonda, to strictly follow the procedure laid down under Section 41-A of Cr.P.C., and also the guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another**¹. The Police are also directed not to arrest the petitioners till the completion of investigation and filing of final report.

Miscellaneous petitions pending, if any, shall stand closed.

K. LAKSHMAN, J

Date:21.10.2020
vvr

¹ (2014) 8 SCC 273