IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION NO: 6069, 6074 AND 6081 OF 2020

CRIMINAL PETITION NO: 6069 OF 2020

Between:

Smt K. Rajya Lakshmi, W/o. K. Vijay Kumar, Aged about 45 years, Occ. Housewife, R/o. H.No.16-2-227/190, Sardar Patel Nagar, Opp. Nizampet Road, Kukatpally, Hyderabad.

...Petitioner/Accused No.2

AND

The State of Telangana, represented by its S.H.O. Patancheru Police Station, Sangareddy District, represented by Public Prosecutor, High Court for the State of Telangana.

...Respondent

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to release the petitioner on bail in the event of her arrest pending Investigation, Inquiry and Trial in connection with the Crime No.415 of 2020 on the file of Patancheru Police Station, Sangareddy District, otherwise the petitioner shall suffer irreparable loss.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mrs. K. Sesha Rajyam, Learned Senior Counsel representing Mr. Koteswara Rao Mummaneni, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

CRIMINAL PETITION NO: 6074 OF 2020

Between:

Smt K. Rajya Lakshmi, W/o. K. Vijay Kumar, Aged about 45 years, Occ. Housewife, R/o. H.No.16-2-227/190, Sardar Patel Nagar, Opp Nizampet Road, Kukatpally, Hyderabad.

...Petitioner/Accused No.3

AND

1. The State of Telangana, represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad
2. Ravi Kumar, S/o. Nageshwar Rao, Aged about 32 years, Occ Business, R/o.Plot No.54, NSL Colony, Beeramguda, Ameenpur, Sangareddy District.

...Respondent/De facto Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in Crime No.494 of 2020 on the file of Patancheru Police Station, Sangareddy District, registered for the offences punishable under Sections 420, 406, 120-B read with Section 34 of IPC insofar as the petitioner is concerned.

I.A. NO: 1 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with the filing of certified copy in Crime No.494 of 2020 on the file of Patancheru Police Station, Sangareddy District, in the interest of Justice.

I.A. NO: 2 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings, including the arrest of the petitioner, in Crime No.494 of 2020 on the file of Patancheru Police Station, Sangareddy District, pending the above Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mrs. K. Sesha Rajyam, Learned Senior Counsel representing Mr. M. Koteswara Rao Mummaneni, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

CRIMINAL PETITION NO: 6081 OF 2020

Between:

Smt K. Rajya Lakshmi, W/o. K. Vijay Kumar, Aged about 45 years, Occ. Housewife, R/o. H.No.16-2-227/190, Sardar Patel Nagar, Opp. Nizampet Road, Kukatpally, Hyderabad.

...Petitioner/Accused No.4

AND

The State of Telangana, represented by its S.H.O, Patancheru Police Station, Sangareddy District, represented by Public Prosecutor, High Court for the State of Telangana.

...Respondent

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to release the petitioner on bail in the event of her arrest pending Investigation, Inquiry and Trial in connection with the Crime No.349 of 2020 on the file of Patancheru Police Station, Sangareddy District, otherwise the petitioner shall suffer irreparable loss.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mrs. K. Sesha Rajyam, Learned Senior Counsel representing Mr. M. Koteswara Rao Mummaneni, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent.

The Court made the following: COMMON ORDER

HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION Nos.6069, 6074 AND 6081 OF 2020

COMMON ORDER:

Mrs. K. Rajya Lakshmi, accused No.4, Accused No.3 and Accused No.4 in Crime Nos.415 of 2020, 494 of 2020 and 349 of 2020 on the file of Patancheru Police Station, Sangareddy District filed Criminal Petition Nos.6069, 6074 and 6081 of 2020 respectively seeking anticipatory bail in the said crimes. The offences alleged against her in Crime Nos.415 and 494 of 2020 are under Sections - 120-B, 406 and 420 read with 34 of IPC, while the offences alleged in Crime No.349 of 2020 are under Sections 120B, 420, 447 and 427 read with 34 of IPC.

2. The petitioner in the above criminal petitions is accused No.4, accused No.3 and accused No.4 in the aforesaid crimes respectively, and hereinafter she will be referred to as 'petitioner'.

3. Heard Mrs. K. Sesha Rajyam, learned Senior Counsel representing Mr. M. Koteswara Rao, learned counsel for the petitioner, and the learned Public Prosecutor appearing on behalf of the respondent - State.

ALLEGATIONS IN CRIME No.415 of 2020:

4. The allegations levelled against the petitioner - accused No.4 in the complaint dated 03.10.2020 by *de facto* complainant - Suresh Ravi are that he was intending to purchase agricultural land, and Mr.

Ramana and Ratnakar introduced accused No.2 to him. Taking advantage of his intention to purchase the land, accused No.4 and other accused played fraud on him. Accordingly, accused Nos.1 and 2 and other accused in collusion with each other have sold the land to him in Survey No.463 to an extent of 2783 square yards on 02.01.2020 by receiving an amount of Rs.1.50 Cores, but in fact the said land was already sold vide document No.137 of 2020. After coming to know the same, when he demanded the accused to return the money, they did not return, but offered some other land and accordingly, agreed to allot the land in Survey No.452 saying that it was a clear title and shown the report of Mandal Surveyor and conversion letter issued by the Tahsildar, and received further amount of Rs.16.00 lakhs in cash and Rs.40.00 lakhs by way of cheques. Believing their version, he purchased the land under document bearing No.3379 of 2020. Subsequently, he came to know about the complaint lodged by the *de facto* complainant in Crime No.349 of 2020.

5. It is further alleged that on enquiry, the *de facto* complainant came to know that the said Surveyor's report and conversion letter were created in collusion with officials and the accused including the petitioner herein have sold the land in Survey No.448, which is a Government land, by showing it as the land in Survey No.452. Thus, accused have cheated the *de facto* complainant.

ALLEGATIONS IN CRIME No.494 of 2020:

6. The allegations levelled against the petitioner - accused No.3 in the complaint lodged by the *de facto* complainant - Mr. I. Ravi Kumar are that the accused including the petitioner herein have played a fraud on him. Ms. K. Swarna Latha, the petitioner and her husband - Mr. K. Vijaya Kumar, Mr. K. Venkata Seshu and Mr. Subhash Chandra Bose, have sold the agricultural land in Survey Nos.468 and 469 to an extent of Acs.6.06 guntas vide document No.7009 of 2003, an extent of Acs.8.02 guntas in Survey Nos.438, 443, 444, 463, 470 and 473 vide document No.7010 of 2003, and an extent of Acs.7.38 guntas in Survey Nos.449, 450, 451, 452, 453 and 454 vide document No.7011 of 2003, all are situated at Chitkul village, to Smt. Venigalla Vijayalakshmi represented by Dr. Ramakrishna Housing Private Limited. Subsequently, the husband of the petitioner met the *de facto* complainant through one Mr. Mastanaiah and represented that he would sell an extent of 2760 square yards of land in Survey No.463, which in fact was already sold to Mrs. Vijaya Laxmi. Accordingly, brother of the *de facto* complainant paid an amount of Rs.19,50,000/- to the husband of the petitioner on different dates and the husband of the petitioner has passed a receipt to that effect.

7. It is further alleged that subsequently the *de facto* complainant found that the said land became as plots and are in the venture of Vijaya Lakshmi. Then he questioned the husband of the petitioner and demanded to return the amount. Accordingly, the

husband of the petitioner has issued two cheques for Rs.10.00 lakhs each and when the same were presented, they got dishonoured. Later on, the *de facto* complainant came to know that the above said persons including the petitioner herein have played fraud on many persons including him. When he questioned about the illegal acts done by them, they threatened the *de facto* complainant with dire consequences. Hence, he lodged the complaint requesting the police to take necessary action against them.

ALLEGATIONS IN CRIME No.349 of 2020:

8. The allegations levelled against the petitioner, accused No.4, in the complaint by the *de facto* complainant - Smt. Vennigalla Vijaya Laxmi are that she has purchased the land to an extent of Acs.22.06 guntas in Survey Nos.468, 469, 48, 443, 444, 463, 470, 473, 449, 450, 451 and 452, situated at Chitkul village of Patancheru Mandal, Sangareddy District, from Smt. K. Swarnalatha and her sons, viz., K. Vijay Kumar (Accused No.1), husband of the petitioner herein, K. Venkatesh and K. Subash Chandrabose, vide registered sale deed bearing document Nos.7009 of 2003, 7010 of 2003 and 7011 of 2003, and she converted the same along with other extent into non-agriculture, laid plots and started selling on the name of 'Sai Santoshi Township'.

9. It is further alleged by the *de facto* complainant that on 27.08.2020 at 10.00 a.m., when she visited the site, she noticed that

Mr. Pradeep Choudary (Accused No.2), Mr. Konda Shivaraju, Mr. B. Yadaiah, Mr. K. Vijaya Laxmi, Mr. Masthanaiah and Mr. Sanjeev Reddy were criminally trespassed into her land and removing the fencing stones by saying that they were purchasers of the said land.

10. It is also alleged by the *de facto* complainant that on verification of the documents, she came to know that Mrs. K. Swarnalatha has executed Gift Deed bearing document No.30909 of 2018 in favour of her son - Mr. Venkatesh, to an extent of 4598 square yards in Survey No.438, another Gift Deed bearing document No.46164 of 2018 in favour of her son - Mr. Vijay Kumar (accused No.1) and husband of the petitioner herein to an extent of 2783 square yards in Survey No.463 and she also executed Agreement - cum - General Power of Attorney (AGPA) bearing document No.54452 of 2019 in favour of Mr. J. Pradeep Choudary (accused No.2) to an extent of 2420 square yards in Survey No.452. Subsequently, her son - K. Venkatesh has executed AGPA bearing document No.53578 of 2019 in favour of Mr. K. Venkata Seshu and accused No.2 to an extent of 4598 square yards in Survey No.438. Similarly, another son (accused No.1) executed AGPA bearing document No.40008 of 2019 in favour of accused No.2 to an extent of 2783 square yards in Survey No.463.

11. It is further alleged that in view of the above, Smt. K. Swarnalatha and her sons by colluding with accused No.2 have executed documents in respect of the land which was already sold to

her earlier, it is a double registration and, thereby they have cheated her.

COMMON CONTENTIONS ON BEHALF OF PETITIOENR

12. Mrs. K. Sesha Rajyam, learned senior counsel, would submit that the *de facto* complainants in the above crimes have made enquiries with the revenue officials in respect of nature of land. Even in the complaint dated 03.10.2020 in Crime No.415 of 2020 itself, the *de facto* complainant has stated that he has made enquiries with the revenue officials with regard to the land. Accused No.1 has never committed any cheating or criminal breach of trust as alleged by the *de facto* complainants in the above crimes.

13. The learned senior counsel would further submit that the police have already taken custody of accused No.1, husband of the petitioner herein, on 23.11.2020, and custodial interrogation of accused No.1 was over. The police did not seek for any extension of custodial interrogation of accused No.1. The Investigating Officer has completed the entire investigation. The *de facto* complainants have falsely implicated the petitioner and her husband in the aforesaid crimes. The husband of the petitioner has purchased the land ad measuring 2783 square yards in Survey No.463 vide registered sale deed bearing document No.46164 of 2018, dated 20.11.2018 from his vendor. Thereafter, he has executed AGPA vide document No.40008 of 2019 in favour of accused No.2 in respect of the very same land.

The learned senior counsel would submit that the said land is not a Government land. She has also relied upon the receipts dated 21.11.2018, 26.11.2018, 25.11.2018, 20.02.2019 and 31.05.2019 issued by accused No.1. By referring to the said documents, the learned senior counsel would submit that the disputes are civil in nature. The petitioner did not commit any offence as alleged by the *de facto* complainants in all the crimes. The police have arrested accused No.1, husband of the petitioner and Mr. Pradeep Choudhary in the said crimes on 27.10.2020. This Court has granted regular bails to them on certain conditions. The petitioner herein is a woman and she will abide by the conditions that would be imposed by this Court and would co-operate with the Investigating Officer in completion of investigation.

14. With the above said contentions, the learned senior counsel sought to grant anticipatory bail to the petitioner in all the said crimes by imposing certain conditions.

COMMON SUBMISSIONS MADE BY THE LEARNED PUBLIC PROSECUTOR:

15. On the other hand, the learned Public Prosecutor, on instructions, would submit that the petitioner and her husband have cheated the *de facto* complainants in all the crimes by showing the land in Survey No.448 as if it is situated in Survey No.452 of Chitkul village. The land in Survey No.448 is Government land. Accused Nos.1 and 2 have sold the land to the *de facto* complainant which was

already sold. Thus, there is double registration of the very same land. The petitioner and her husband along with other accused in connivance with each other have cheated the *de facto* complainants in the above crimes.

16. The learned Public Prosecutor would further submit that there are several aspects to be investigated into by the Investigating Officer including the aspect as to whether the subject land is in Survey No.448 or in Survey No.452. The Investigating Officer has to collect documents from the Revenue Officials. Investigation is pending. The petitioner and her husband are influential persons and there is every possibility of tampering the evidence and interfering with investigation. There are specific overt acts against the petitioner herein.

17. With the said submissions, the learned Public Prosecutor sought to dismiss the anticipatory bail applications of the petitioner in all the above crimes.

CONSIDERATION OF THE COURT:

18. From the above submissions, the allegation against the petitioner and her husband in the above crimes is that they have sold the land in Survey No.448 showing that it is located in Survey No.452 of Chitkul village. They have received an amount of Rs.1.67 Crores through cash and an amount of Rs.40.00 lakhs through cheques. The petitioner and her husband in collusion with other accused have sold

the said land illegally by executing the documents twice and it is double registration. Thus, the petitioner herein has committed cheating. The petitioner and her husband and others have also trespassed into the land of the *de facto* complainant in Crime No.349 of 2020. In the complaint dated 29.08.2020 in Crime No.349 of 2020, the *de facto* complainant has alleged that accused have trespassed into her land on 27.08.2020 and she came to know about the criminal trespass on 27.08.2020. It is a matter to be investigated by the Investigating Officer.

19. Whether the land sold to *de facto* complainant in Crime No.415 of 2020 is in Survey No.448 or in Survey No.452 is also a fact to be investigated by the Investigating Officer. As submitted by the learned Public Prosecutor, the Investigating Officer has to collect evidence including documentary evidence from the Revenue Officials, and have to examine them.

20. On perusal of the record would reveal that the petitioner herein through her AGPA with possession Holder, accused No.1 in crime No.415 of 2020, has executed a sale deed bearing document No.3379 of 2020 dated 29.01.2020 in favour of the *de facto* complainant in Crime No.415 of 2020. The schedule of property mentioned in the said document as follows:

> "All that piece of open land in Sy.No.452 admeasuring 16.39 guntas or 1983.33 square yards out of open total land admeasuring 21.78 guntas or 2635 square yards as shown in the plan annexed thereto

situated at Chitkur village. The total sale consideration received shown in the said document is Rs.15,87,000/-."

The petitioner herein has claimed that she has purchased the said property under a registered sale deed document No.17905 of 2018, dated 14.05.2018. The description of the said property itself discloses the conduct of the petitioner and other accused. It cannot be 16.39 guntas or 1983.33 square yards and it also cannot be 21.78 guntas or 2635 square yards. It cannot be 78 guntas. The very description of the property itself is not proper. The petitioner here is claiming that she purchased the said land through a registered sale deed by paying huge amount towards sale consideration without mentioning the extent etc. properly.

21. However, it is relevant to note that the petitioner herein is claiming that she is the owner of the above said property and has executed an Agreement of Sale - cum - General Power of Attorney with possession bearing document No.53579 of 2019 in favour of accused No.2 i.e., J. Pradeep Choudary. Thus, she has executed the above said document in favour of the said J. Pradeep Choudary, who in turn sold the said property to the *de facto* complainant in Crime No.415 of 2020. In view of the same, the contention of the learned senior counsel that the petitioner herein is neither a purchaser nor a seller of any of the extent of the land is incorrect.

22. There are specific allegations against the petitioner and her husband in all the above said crimes. They have received an amount

of Rs.1.67 Crores in cash and Rs.40.00 lakhs through cheques, which is huge amount and they have sold land in Survey No.463 through document No.136 of 2020 and in fact, the said land has already sold to Mrs. Vijaya Lakshmi. The said land was also converted into plots and it is in the venture of Mrs. Vijaya Lakshmi. There are serious allegations against the petitioner and her husband that they have made the *de facto* complainant to believe that the land is having clear title and sold the same to the *de facto* complainant by receiving the above said amount. The petitioner and her husband and others have shown created documents and made the *de facto* complainant to believe that the land is in Survey No.452 of Chitkul village, and in fact the said land is located in Survey No.448, which is a Government land. There is serious allegation of threatening of the *de facto* complainant with dire consequences.

23. Similar allegations were made by the *de facto* complainant in Crime No.349 of 2020. In the said crime, the petitioner's mother-in-law, i.e., Smt. K. Swarnalatha has executed a sale deed in favour of the petitioner to an extent of Ac.1.02 guntas in Survey No.452 vide document No.17905 of 2018 dated 09.05.2018 and on the strength of the said document, the petitioner herein has executed Agreement of Sale - cum - General Power of Attorney in favour of accused No.2 i.e., Jasti Pradeep Choudary, to an extent of 21.78 guntas or 2635 square yards in Survey No.452 of Chitkul village vide document No.3379 of 2020. They have created a false lay out copy, laid plots in

that venture, which was already sold to Mr. Vijaya Lakshmi and sold 104 square yards to the *de facto* complainant i.e., Konda Shiva Raj vide document No.17607 of 2020 by receiving Rs.9.00 lakhs towards sale consideration and also sold another 104 square yards to Mr. B. Yadaiah vide document No.19084 of 2020 by receiving Rs.9.00 lakhs from him. Thus, the petitioner herein and other accused have not only cheated. There are serious allegations against the petitioner herein in crime No.349 of 2020.

24. In Crime No.494 of 2020 also there are similar allegations against the petitioner and her husband and her mother-in-law, who are also accused in the said crime with regard to land in Survey No.453 of Chitkul village. The details of documents, survey number, extent of land and sellers names have been specifically mentioned in the complaint dated 07.11.2020 in a tabular form. The petitioner and other accused have received an amount of Rs.19.00 lakhs from the *de facto* complainant and his brother and sold 2760 square yards of land. The husband of the petitioner has issued receipts in proof of receipt of the said amount. The said receipts were written by accused No.5. The said land was converted into plots which are in the venture of Mrs. Vijaya Lakshmi. The petitioner and others have issued two cheques for Rs.10.00 lakhs which were dishonoured. Thus, they have cheated the *de facto* complainant and others and there is serious allegation of threatening of the *de facto* complainant against the petitioner and her husband.

25. As discussed above, there are three crimes against the petitioner. There are serious allegations against the petitioner also. She has executed a registered document in favour of accused No.2 and received the above said huge amounts from the complainants / victims. Investigation is pending. This Court granted regular bails to the husband of the petitioner and Mr. Jasti Pradeep Choudary, but not anticipatory bail.

26. Considering the said aspects, this Court is not inclined to grant anticipatory bail to the petitioner herein. Accordingly, all the Criminal Petitions are dismissed.

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

Sd/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The First Class Magistrate Special Mobile Court, at Sangareddy.
2. The Station House Officer, Patancheru Police Station, Sangareddy District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Koteswara Rao Mummaneni, Advocate [OPUC]
5. Two CD Copies

MMK

HIGH COURT

KLJ

DATED:07/12/2020



COMMON ORDER

CRLP.No.6069, 6074 and 6081 of 2020

DISMISSING THE CRIMINAL PETITIONS

14/12/2020