

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 2399 OF 2021

Between:

1. Meesa Chalapathi Rao, S/o. Seetharamaiah, Age. 50 years, Occ. Agriculture, R/o. Bodulabanda Village, Nelakondapally Mandal, Khammam District.
2. Meesa Padmavathi, W/o.Chalapathi, Age. 45 years, Occ. House wife, R/o.Bodulabanda Village, Nelakondapally Mandal, Khammam District.

...PETITIONERS/ACCUSED No.1 & 2

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court, Hyderabad.
2. Shapashetti Venkata Sainadh, S/o..Rajagopala Rao (Late), 64 years, Occ. Rtd Employee, R/o. Bodulabanda Village, Nelakondapally Mandal, Khammam District.

...RESPONDENTS/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 C.C.No.663 of 2019 on the file of Judicial First Class Magistrate (Special Mobile Court), Khammam for the alleged offence U/Sec.417, 420, 294(b), 506 r/w 34 I.P.C.

I.A. NO: 1 OF 2021

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 in C.C.No.663 of 2019 on the file of the Judicial First Class Magistrate (Special Mobile Court). Khammam against the Petitioners/Accused No. 1 and 2 including their appearance, pending disposal of the above criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt. Annapurna Sreeram, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri Rama Sharma Susarla, Advocate for the Respondent No.2.

The Court made the following: ORDER

HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2399 of 2021

ORDER:

Projecting that the proceedings commenced against the petitioners through C.C.No.663 of 2019 by the Court of Judicial Magistrate of First Class (Special Mobile Court), Khammam is unjustifiable and thereby, seeking to quash the said proceedings, the present Criminal Petition is filed.

2. Heard the submission of learned counsel for the petitioners, the learned Assistant Public Prosecutor who is representing respondent No.1 and the learned counsel appearing for respondent No.2.

3. Learned counsel for the petitioners submits that basing on a trivial issue, a false case was foisted against the petitioners and indeed, there exists a civil dispute between the petitioners and the defacto complainant and the said civil dispute culminated into initiation of criminal proceedings against the petitioners and therefore, the said criminal proceedings are liable to be quashed.

4. The submission of the learned Assistant Public Prosecutor, in this regard, is that as per the investigation done, the petitioners have committed offences punishable under Sections 417, 420, 294(b) and 506 read with Section 34 IPC and therefore, charge sheet is laid and thus, an order to quash the proceedings cannot be granted.

5. The contention of the learned counsel for the unofficial respondent i.e., the defacto complainant is that no doubt, the transactions between the petitioners and the defacto complainant are civil in nature, but on the date of the incident, both the petitioners abused the defacto complainant and his wife in unparliamentary language and threatened them. Learned counsel also stated that the petitioners cheated the defacto complainant by giving false statement with regard to the extent of house they agreed to sell and therefore, the guilt of the petitioners would be established during the course of trial by all the witnesses who would be examined including the defacto complainant.

6. A perusal of the charge sheet in question reveals that the petitioners and the defacto complainant, who is

respondent No.2 herein, are residents of Bodulabanda Village, Nelakondapally Mandal, Khammam District. The petitioners agreed to sell their house to respondent No.2. An agreement of sale was entered into. The petitioners informed respondent No.2 that the extent of house to be sold is five cents. But, when the house was got measured, it was found that the extent is only four and half cents. Further, the petitioners failed to hand over the house tax receipts and link documents to the defacto complainant. On 23.7.2019, when respondent No.2 and his wife approached the petitioners and requested them to give house tax receipts and link documents and to attend the Registrar's office to register the property in their name, both the petitioners abused respondent No.2 and his wife in filthy language and threatened them.

7. Thus, the version of respondent No.2 is that he was cheated by misrepresenting with regard to the extent of house that the petitioners' possess and in spite of taking money, the petitioners failed to register the property and

further, when requested, himself and his wife were abused and threatened by the petitioners.

8. No doubt, as rightly contended by the learned counsel for the petitioners, the transaction is civil in nature. However, the contention of respondent No.2 is that he was cheated by the petitioners stating that the extent of house they possess is five cents, though the actual extent is four and half cents only and the petitioners failed to come forward to register the house despite receiving the entire sale consideration and further, when questioned, the petitioners threatened and abused him and his wife.

9. Having regard to the allegations levelled thus, it cannot be held that no provisions of criminal law attracts the alleged acts of the petitioners and that the charge sheet is liable to be quashed as the same is based on a civil dispute. This Court does not find any grounds much less justifiable grounds to quash the proceedings. The guilt or otherwise of the petitioners has to be decided by the trial Court basing on the evidence that is produced by the

prosecution. Therefore, this Court holds that this Criminal Petition lacks merits.

10. Resultantly, the Criminal Petition is dismissed.

11. As a sequel, pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-N. RAJA GOPAL
ASSISTANT REGISTRAR

GP
SECTION OFFICER

To,

1. The Judicial First Class Magistrate (Special Mobile) at Khammam.
2. The Station House Officer, Nelakondapalli Police Station, Khammam District.
3. One CC to Smt. Annapurna Sreeram, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy
- gbr 7. one cc. to Smt. Renu Sharma Susarla, Advocate (OPUC)

gbr

HIGH COURT

DATED: 12/07/2022



ORDER

CRL.P.No.2399 of 2021

DISMISSING THE CRIMINAL PETITION

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by
16/8/22