

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.850 of 2007

JUDGMENT:

1. The petitioner is the *defacto* complaint, who is aggrieved by the order of discharge of the respondents in CrI.M.P.No.534 of 2007 in C.C.No.1694 of 2006 dated 04.04.2007.

2. Charge sheet was filed on 07.02.2006 by Madhapur Police Station for the offence under Sections 420, 406 r/w 34 of IPC against the respondents/accused. A complaint was made stating that the *defacto* complainant and family members purchased the property to an extent of Acs.2.08 guntas which consisted of 7 bits and they got bits registered in the month of 2000. By the date of their purchase, there were proposals of land acquisition which was not revealed. Since the purchasers failed in their attempts to get alternate land from the government in the place of the property acquired, approached the respondents/accused and sought refund of the market value, which was then prevailing. Accordingly, the accused, who are the vendors of the property, paid an amount

of Rs.1.00 Crore for the entire land and the matter was settled. However the *defacto* complainant filed a report with the S.H.O, Madhapur. The said complaint was investigated and charge sheet was filed. It was disclosed during investigation that the accused knowing fully well that the land was under acquisition by the Government for the benefit of A.P.I.I.C, sold the land to the *defacto* complainant. The then Government of Andhra Pradesh gave possession of Acs.2.08 guntas of land in Sy.No.64 of Madhapur village in the year 2003 as a compensation for the said land, but the accused with an intention to cause wrongful loss to the complainant, sold the land to M/s.Mallikarjuna Property Developers Private Limited in the year 2005.

3. The accused filed discharge application on various grounds including the ground of repaying the entire amount. The learned Magistrate, having considered the documents filed under Section 207 of Cr.P.C by the police found that the accused had partitioned the property of Acs.2.08 guntas in the year 1996 and they were enjoying their respective shares as

absolute owners. As far as A3 was concerned, learned Magistrate found that his share of land was not sold to the *defacto* complainant, for which reason, there was no case against A3. With regard to the other accused, since the land was acquired by the government the accused paid an amount of Rs.1.00 Crore towards full and final settlement of the deal. In the month of September 1996 an amount of Rs.31.00 lakhs was paid for the purchase of the property to the respondents/accused.

4. Learned Magistrate found that though an amount of Rs.31.00 lakhs was paid by the *defacto* complainant, the accused had repaid an amount of Rs.1.00 crore to the *defacto* complainant. The provisions of Section 406 or 420 of IPC were not attracted for the reason of the transactions in question being purely civil in nature.

5. Admittedly, the amount of Rs.31.00 lakhs was paid in the year 1996 and thereafter, the accused repaid the amount of Rs.1.00 Crore to the *defacto* complainant even prior to the investigation in the crime. For the said reasons, it cannot be

said that the amount was subjected to misappropriation or that there was any kind of cheating. There are no grounds to interfere with the order of the learned Magistrate in discharging the accused.

6. Accordingly, the Criminal Revision Case is dismissed. As a sequel thereto, miscellaneous applications, if any, shall stand closed.

K.SURENDER, J

Date: 26.12.2022

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HON'BLE SRI JUSTICE K.SURENDER

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