

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.14174 of 2014

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C') by the petitioner/3rd accused in Crime No.1152 of 2014 for the offences under section 420, 384,379.406, 506, 120-B read with Section 34 of the Indian Penal Code (for short 'the IPC') on the file of Panjagutta Police Station with a prayer to quash the crime/FIR No.1152 of 2014 and to set aside all the proceedings thereon.

2. The Prosecution case is that the petitioner/3rd accused in collusion with the other accused/1st and 2nd accused, stolen the property documents vide document no.1961/2006 registered at Sub Registrar Office (for short 'S.R.O.'), Secunderabad in an act of cheating and breach of trust. Further, the petitioner and other accused threatened the 2nd respondent/*de-facto complainant* and his family members with dire consequences, if the property

is sold to any 3rd party. That apart demanded Rs. 25,00,000/- to return the property documents. Thus the report.

3. The learned Counsel for the Petitioner/3rd accused submitted that the petitioner is no-way concerned with the offence and he was the tenant in the premises for about 25 years. The 2nd respondent/*de-facto complainant* had proposed to sell the property and to avoid legal complications from the petitioner/3rd accused as he is long standing tenant, foisted this false complaint to frustrate and exert pressure on him. Howsoever, the 2nd respondent/*de-facto complainant* had sold the premises on 17.10.2014 to one Mr. Bakir Bhai Munnawalla and this fact itself is making-out the falsity of the complaint. Thus, prayed for quashment of the criminal proceedings in the crime against him.

4. The Learned Assistant Public Prosecutor would submit that, there are specific accusations against the petitioners and the investigation is required to find out the facts in the

complaint. Thus, quashment of the proceedings at this stage would be improper.

5. The pleadings are duly considered. It is settled position that the crime proceedings cannot be quashed until no offence is apparently spelt out in the complaint/report. The averments of the complaint are indicating the necessity of investigation to find out the factuality. Further, the veracity of the allegations cannot be weighed in the petition for quashment of proceedings. In this position, no reason is found to quash the crime. Thus, this petition fails on merit.

6. In the result, this petition is dismissed.

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

N. TUKARAMJI, J

Date:03.11.2022

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