

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

**TUESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 4815 OF 2022

Between:

Mettu Venkata Laxmi, W/o. Thandava Dasi Reddy, aged 62 years, Caste Reddy,
R/o. Q.No. A8/263, PTS NTPC, Godavarikhani.

...Petitioner/Accused No.2

AND

1. The State of Telangana, Represented by Public Prosecutor, High Court of
Telangana, through P.S. NTPC.

...Respondent/complainant

2. Chukka Rammohan Rao, S/o. Buchi Narsaiah, aged 31 years, Caste Yellpi
R/o. Nagunoor, Karimnagar Mandal and 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 call for the records relating to C.C No. 713 of 2020, on the file of the Hon'ble I Additional Judicial First Class Magistrate, at Godavarikhani, and quash the same so far as the Petitioner/Accused No.2 is concerned.

I.A. NO: 1 OF 2022

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 grant stay of all further proceedings in C.C No. 713 of 2020, on the file of the Hon'ble I Additional Judicial First Class Magistrate, at Godavarikhani so far as the Petitioners/Accused No. 2 is concerned, including appearance of petitioner, pending disposal of Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T.RAMCHANDER RAO, Advocate for the Petitioner and the Public Prosecutor for the State of Telangana on behalf of the Respondent No 1 and Sri CHUKKA RAMMOHAN RAO, Advocate for the Respondent No.2.

The Court made the following: ORDER

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.4815 OF 2022

ORDER:

1. This Criminal Petition is filed to quash the proceedings against the petitioner/A2 in C.C No.713 of 2020 on the file of 1 Additional Judicial First Class Magistrate at Godavarikhani.

2. The 2nd respondent lodged complaint on 26.11.2018 stating that his father Buchi Narsaiah purchased 325.52 sq.yds for consideration of Rs.16,250/- from the Secretary of Backward Classes Co-operative House Building Society through registered sale deed on 08.04.1988 at Sub-Registrar, Peddapalli. His father died on 02.02.2014 and the land was allocated to his mother. In the year 2013, A1 namely Bhadraiah sold the said land to the petitioner who is A2. On the basis of the said complaint, FIR was registered for the offences under Section 420 r/w Section 120(b) of IPC and investigated the case. After investigation, charge sheet was filed for the said offence.

3. Learned counsel appearing for the petitioner/A2 submits that in fact, she had purchased the property from A1 and if at all the land did not belong to A1, the petitioner herein is a victim and an innocent purchaser cannot be criminally prosecuted for

the offence of cheating. Since there was never any communication in between the 2nd respondent and this petitioner, the question of cheating does not arise.

4. On the other hand, the 2nd respondent appeared party-in-person and submitted that the registration of the said land was done on 30.03.2013 though the land did not belong to A1, he has sold it to A2. A2 had knowledge that the land did not belong to A1. Having come to know about the cheating committed, the 2nd respondent issued notice on 27.10.2018 through an advocate. However, even prior to that, rectification deed was registered at the instance of this petitioner and A1 on 05.10.2018 indicating that previously reference to document No.1792 of 1983 was not made in the registered document dated 30.03.2013 and accordingly, rectification deed was executed.

5. Admittedly, the land did not belong to A1. Whether this petitioner was induced by A1 into purchasing the land or whether this petitioner in collusion with A1 got registered the sale deed in her favour on 30.03.2013 are subject matters of trial. This Court under Section 482 of Cr.P.C cannot decide the intention of conspirators in cases of this nature. The 2nd

respondent is alleging that the property belongs to them and A1 did not have any rights over the said property.

6. The transaction between A1 and A2 raises any amount of doubt. If A1 did not have requisite documents, it is suspicious as to why this petitioner entered into sale deed in the year 2013. Thereafter, the document No.1792 of 1983 was entered into as rectification deed. These transactions reflect that both this petitioner and A1 had knowledge about the land not belonging to A1.

7. For the said reason, the Criminal Petition is devoid of merits and the same is accordingly dismissed. However, the trial Court shall not be influenced by any of the observations made in the present petition, which is decided even prior to trial. During the course of trial, if the defence of this petitioner appears to be probable, the trial Court can accordingly pass orders.

Sd/-G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

40/2/11/23
SECTION OFFICER

To,

1. The I Additional Judicial First Class Magistrate, at Godavarikhani
2. The Station House Officer, NTPC Police Station, Poddapalli District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. T. RAMCHANDER RAO, Advocate [OPUC]
5. One CC to Sri. CHOKKA RAMMMOHAN RAO, Advocate [OPUC]
6. Two CD Copies

PSR
plp

BSR

HIGH COURT

DATED:27/12/2022

ORDER

CRLP.No.4815 of 2022



CRIMINAL PETITION IS DISMISSED

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14/1/23
BSR