

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

**THURSDAY ,THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 6996 OF 2022

Between:

Pudota Jaya Prasad Raja, S/o. P.L. Raja, age 54 years, Occ. Business Chairman and Managing Director, M/s.JMJ Homes India Pvt. Ltd., R/o.Plot No.62, Diamond Hills, Puppalaguda Gandipet Mandal, R.R.District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Through P.S. Narsingh, Cyberabad District Represented by its Public Prosecutor High Court for the State of Telangana at Hyderabad.

...RESPONDENT

2. Manne Venkanna Chowdary, S/o. M.V.Srinivasa Rao, age 45 years, Occ. Business, R/o. Plot No.2, Diamond Hills, Puppalaguda Village, Gandipet Mandal, R.R.District, Phone. 9676475789.

...RESPONDENT/DEFACTO- 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.2641 of 2021 on the file of the Honble XVI Addl. Metropolitan Magistrate, Cyberabad.

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 stay all further proceedings in C.C.No.2641 of 2021 on the file of the Honble XVI Addl. Metropolitan Magistrate, Cyberabad, including appearance of the petitioner, pending disposal of main Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V V LAKSHMI NARAYANA ,Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and of Sri KAILASH NATH P.S.S. Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.6996 OF 2022

ORDER:

1. This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.,C. '), is filed by the petitioner/Accused to quash the proceedings in C.C.No.2641 of 2021 on the file of XVI Additional Metropolitan Magistrate, Cyberabad. The offences alleged against the petitioner are under Sections 420, 384 and 506 of the Indian Penal Code.
2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.
3. The 2nd respondent who is Secretary of the Diamond Hills Welfare Association filed complaint on his behalf and on behalf of other aggrieved persons who are members of the Association. It is the case of the 2nd respondent that he purchased plots from the Company represented by this petitioner. Initially, the Company was named as Anupama Homes India Private Limited for which the petitioner is Managing Director and later the Company was re-named as JMJ Homes India Private Limited. The petitioner is in possession of the link documents of the said land. However, the original link documents were refused to be given to the plot

purchasers or the Association. Though a common property of 1162 Square Yards was left for common amenities the same was illegally registered in the name of the petitioner herein. In the said circumstances, a complaint was filed alleging cheating, extortion and criminal intimidation under Sections 420, 384 and 506 of the Indian Penal Code.

4. Learned Counsel appearing for the petitioner would submit that the issues raised in the criminal complaint are purely civil in nature and the said facts can be agitated before the Consumer Forum or Civil Court. In fact, there are disputes pending before the Civil Court. The allegations made in the complaint do not attract any of the ingredients of either extortion or cheating, for the said reasons the complaint has to be quashed.

5. On the other hand, it was argued on behalf of the respondents that the petitioner is involved in dishonestly cheating the purchasers of the plots. He has not provided the link documents of the property to enable the plot owners to obtain loans and further made changes in the layout and an extent of 1162 sq.yds which was made for public purpose or common amenities were registered in his name which is in violation of orders of this Court. For the said reason, the proceedings have to continue against the petitioner.

6. The grievance of the complainant and other plot owners appears to be that the petitioner has not provided the link documents to the property and later got an extent of 1162 sq.yds which was shown as common areas in the lay out registered in his name. When questioned, the petitioner allegedly threatened the *defacto* complainant and other plot owners.

7. To attract an offence under Section 384 of IPC, a person has to commit an act of extortion. Extortion means intentionally putting any person in fear of injury to that person or to any other and thereby dishonestly inducing such person to deliver any property.

8. In the present case, the allegation is that the petitioner had asked for an amount of Rs.1.00 lakh for providing link documents. Whether the plot owners were forced to part with Rs.1.00 lakh at the instance of the petitioner or any other reason is subject matter of trial. Further, it is alleged that the plot owners were informed that there would be vacant land of 1162 sq.yds. However, the same was taken away by the petitioner herein. The case is one of circumstantial evidence and prosecution has to be given a chance to prove its case. Whether the acts of this petitioner amounts to cheating or extortion can only be decided after the prosecution adduces its evidence. The petitioner will have the right of cross-

examination to defend himself. Since prima facie case appears to have been made out from the allegations leveled against the petitioner, this Court deems it appropriate to dismiss the Criminal Petition.

9. Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous applications, if any, shall stand closed.

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SD/-N.SRIHARI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

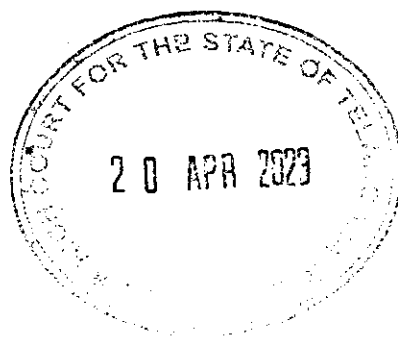
1. XVI Additional Metropolitan Magistrate Cyberabad, at Rajendranagar, R.R. District.
2. The SHO, Narsinghi Police Station, Cyberabad District
3. One CC to SRI. V V LAKSHMI NARAYANA Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. One CC to M/S KAILASH NATH P.S.S., Advocate[OPUC]
6. Two CD Copies

EDS

BSR

HIGH COURT

DATED:16/03/2023



ORDER

CRLP.No.6996 of 2022

CRIMINAL PETITION IS DISMISSED

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11/04/23
BSR