

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.991 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C. has been filed on behalf of the petitioners/A1 to A3 to quash the proceedings in Crime No.3 of 2023 of Kalyandurgam Police Station, Anantapuramu district.

2. A case has been registered against the petitioners herein for the offences punishable under Sections 417, 420, 509 and 506 read with 34 IPC..

3. Case of the prosecution, in brief, is that the petitioners/A1 to A3 took money of Rs.36,50,000/- from the *de facto* complainant on 28.10.2022 by assuring that one land owner by name Karanam Thippe Swamy was in need of money and agreed to sell Ac.1-00 of land in Survey No.329 situated at Kalyandurgam for lesser price and the same would be registered in the name of the *de facto* complainant. By believing their words, the de facto complainant paid the amount of Rs.36,50,000/- to the accused in the presence of her mother K. Annapurnamma, her brother and some of the elders. From that date onwards, the de facto complainant made several demands to register the said land in her favour, but the accused were postponing the same from time to time. On 17.12.2022 at about 8.00 PM, when

the de facto complainant, along with her mother and brother, went to the house of the accused, the accused abused her in filthy language and threatened with dire consequences.

4. Learned counsel for the petitioners contended that even accepting the entire accusations to be true, still no offences as alleged have been made out against the petitioners for the reason that there is absolutely no evidence to the extent that the amounts have been paid to the petitioners herein. He further contended that there is no documentary proof filed by the defacto complainant to show that she paid the above amounts to the petitioners herein. Basing on the same, learned counsel strenuously contended that no offence has been made out as against the petitioners herein.

5. On the contrary, learned Assistant Public Prosecutor contended that specific accusations have been made as against the petitioners that they took an amount of Rs.36,50,000/- from the *de facto* complainant on 28.10.2022 for registration of land in her favour and cheated her by not registering any land or repaying the said amount.

6. Going by the record, there is any amount of ambiguity with regard to the mode of payment, whether it was paid through bank transaction i.e. by way of cheque, or by way of cash. This Court, in a petition filed under Section 482 Cr.P.C., could not be in a position to

conduct a roving enquiry into the disputed questions of fact and quash the proceedings.

7. Admittedly, the *de facto* complainant is a widow and the petitioners stated that they are in need of money and they intend to dispose of the land to an extent of Ac.1-00 in Survey No.329 which belongs to one Karanam Thippe Swamy. Believing the words of the petitioners, it is alleged that the *de facto* complainant paid an amount of Rs.36,50,000/- to the petitioners on 28.10.2022. Thereafter, the petitioners did not register the land in the name of the *de facto* complainant nor returned the said amount. On suspicion, on 17.12.2022, at about 08.00 PM, when the *de facto* complainant and others had gone to the house of the petitioners and requested them to register the land in favour of the *de facto* complainant, but they paid a deaf ear and in a highhanded manner stated that they will not register the lands in her favour nor repay the amount and she can do whatever she intends to do.

8. On a perusal of the said averments goes to show that some transaction is alleged to have taken place and whether the said transaction is authentic or not, has to be culled out during the course of investigation. At this stage, this Court, in a petition filed under Section 482 Cr.P.C., could not be in a position to interfere with the investigation and quash the proceedings.

9. However, since the offences alleged are punishable with imprisonment of less than seven years, the police concerned are directed not to take any coercive steps against the petitioners herein.

10. With the above direction, the Criminal Petition is disposed of.

11. As a sequel thereto, the miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

K. SREENIVASA REDDY, J.

Date:08.02.2023

Nsr

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