
(2022) 06 TEL CK 0095
In the Telangana High Court
Case No : Criminal Petition No. 5101 Of 2022

M/S.Svr Infra Developers

APPELLANT

Vs

State Of Telangana And 2 Others

RESPONDENT

Date of Decision : 24-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41A, 438

Indian Penal Code, 1860 — Section 34, 120B, 406, 409, 417, 418, 420, 423

Citation : (2022) 06 TEL CK 0095

Hon'ble Judges : K.Surender, J

Bench : Single Bench

Advocate : K Kiran Kumar

Final Decision : Disposed Of

Judgement

1. This Criminal Petition is filed under Section 438 Cr.P.C. by petitioners/A3 to A6 seeking bail in the event of their arrest in connection with Crime No.151/2022 on the file of Sadasivpet Police Station, Sangareddy District, registered for the offences punishable under Sections 120b, 406, 409, 417, 418, 420, 423, read with 34 of the Indian Penal Code.

2. The case of the prosecution is that a private complaint was filed by the defacto complainant before the magistrate court and the same was referred to police for the purpose of investigation. It is alleged that Accused Nos.1 and 2 have entered into an agreement with petitioner No.1(A3) i.e. M/s.SVR Infra Developers represented by petitioners 4 and 5, however, since the agreement did not go as planned, the defacto complainant took over the said development and paid an amount of Rs.1 crore and the balance amount of Rs.2.5 crores was to be paid subject to obtaining DTCP permission etc. However, it is alleged that the Accused Nos.1 and 2 and petitioner No.1 (A3) representing petitioners 2 and 3 (A4 and A5) failed to perform their part of contract in getting 'Naala' certificate for which reason A1, A2 and A3 allegedly committed the offence of cheating, criminal breach of trust and thereafter, the petitioners executed a sale deed in favour of

third person (petitioner No.4/A6 herein) on 16.05.2022.

3. Learned Counsel appearing on behalf of petitioners would submit that as seen from the averments of the complaint, the transactions are purely civil in nature; and that there is no element of criminality in the said transactions. Further, the defacto complainant filed civil suit in OS.No.644 of 2022 on the file of I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Sangareddy, aggrieved by the violation of the terms of the contract in between the petitioners and defacto complainant.

4. In the said circumstances, when the disputes are before the concerned Civil Court and also all the transactions are subject matter of documents, the Police are directed to scrupulously follow the procedure as contemplated under Section 41-A Cr.P.C and the guidelines formulated by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar (2014) 8 SCC 273 scrupulously. It is needless to say, any deviation in this regard will be viewed seriously.

5. Accordingly, the Criminal Petition is disposed of in so far as petitioners 2 to 4/ A4 to A6.

6. Since petitioner No.1/A3 (M/s.SVR Infra Developers) is a company, learned counsel for petitioner seeks permission of this Court to withdraw this criminal petition against petitioner No.1/A3.

7. Accordingly, the Criminal Petition is dismissed as withdrawn against petitioner No.1/A3.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.