

**THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

**CRIMINAL PETITION No.7240 OF 2015**

**ORDER:**

This Criminal Petition is filed by the petitioner/A-1 under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.356 of 2015 on the file of the Chief Metropolitan Magistrate, Nampally, Hyderabad, wherein learned Magistrate has taken cognizance for the offences punishable under Sections 418, 419 and 420 read with 205 I.P.C. on the police final report covered by Crime No.241 of 2014 of Charminar Police Station registered on the private complaint of respondent No.2 herein dated 29.9.2014, that was referred by the learned Magistrate for investigation by police.

2. Heard the learned counsel for the quash petitioner, respondent No.1 – State represented by the Public Prosecutor (Telangana) and respondent No.2/*de facto* complainant.

3. The factual matrix of the private complaint filed against three accused including the petitioner/A-1 – Venugopal Inani besides the other two Ramesh Chandra Jhowar and Ramakanth Inani reads that the complainant – Smt Chandrabhagabai is the Member of the Founder Family of Sri Raghunathji Temple, Maharaj Gunj, Hyderabad and she is represented by her G.P.A. Holder – A.Purushotham Das vide G.P.A. dated 08.09.2014 (zerox copy filed); that A-1 (quash petitioner), as per the complaint, previously, used to reside at Maharaj Gunj, Hyderabad, that the complainant, as Member of the Founder Family of Sri Raghunathji Temple, is managing the affairs of the temple, particularly, the deity in the said temple and its sacredness peacefully and she came to know through reliable sources that A-1 is not the son of Ram Prasad Inani and as per Government records, he is the son of one Mohan Lal and therefrom, A-1 played mischief and fraud stating himself to be the son of Ram Prasad Inani and to usurp temple management and its property illegally, and also deceived the judiciary, the Government and also the parties to

O.A.No.19 of 2003 renumbered as O.A.No.3004 of 2010 before the Andhra Pradesh Endowments Tribunal, Hyderabad. After knowing about the said facts, she obtained certified copy of Government record and filed before this Court. A-1 and A-2 filed counter affidavits on 23.6.2014 and 24.6.2014 using the name of Ram Prasad Inani and again, played fraud, mischief and deceived the complainant and the judiciary for wrong claim.

Further, the complaint averments are that A-1 to A-3 are businessmen and they earlier, resided at Maharajgunj and now, at Banjara Hills and all of them, with false claims, started interfering with the management and maintenance of the temple affairs and disrupting the activities by creating disbelief in the minds of the regular devotees visiting the temple; that A-1 to A-3 have been making false claims with an evil intention to usurp the property and management of the temple. As part of their evil desire, they got filed several litigations against the complainant and her family members for said temple before various Forums and harassing the complainant with vexatious and frivolous litigations. In all those litigations, A-1, in collusion with A-2 and A-3, has been giving his false description impersonating himself as the son of late Ram Prasad Inani. A-1 is claiming to be the son of Ram Prasad Inani and through that relationship, A-1 is claiming succession to said Ram Prasad as successor of the Trustee and to become the trustee for the management of the properties and affairs of the temple. In fact, A-1 is the son of one Mohan Lal Inani, but not of Ram Prasad Inani. This fact is also amply reflected in all the Government records and also certified by the Assistant Electoral Registration Officer, 65 – Goshamahal Assembly Constituency. The Deputy Commissioner Circle - 6 of Greater Hyderabad Municipal Corporation, Hyderabad and their staff and it is reflected in the electoral rolls (vide Electoral Photo Identity Card No.CVW 1241553) also. The same was registered with the house number 15-9-57 and the same is available with the office i.e., 65-Goshamahal Assembly Constituency, Hyderabad, Ward No.15, Block No.9 Polling Station No.151. In the Electoral Identity card and also in the Voters' List, it is specifically shown and mentioned that Venugopal Inani is the son of Mohan Lal. The complainant also learnt through reliable source that in Aadhaar Letter Enrolment No.1171/00371/00023, Card No.552928563483, [www.uidai.gov.in](http://www.uidai.gov.in) also, the same particulars are mentioned that A-1 is the son of Mohan Lal. Likewise, in PAN Card No.AAEP10469D also, the same particulars were mentioned in Tamil Nadu Mercantile Bank, Kishangunj Branch, Hyderabad, A-1 is having a bank account bearing No.300905 as son of Mohanlal. Even in Karur

Vysya Bank, Abids Branch, Hyderabad, A-1 is holding bank account SB A/c.No.14431554698 shown himself as son of Mohan Lal.

It is further averred that the actual parentage of A-1 would be available at G.H.M.C. and also in the Aadhaar Card. Further, this could be further established how A-1 played fraud, mischief through his IT records and bank accounts etc. not only with Government but even with judiciary and innocent persons like the complainant.

It is further stated that the complainant has successfully obtained the certified copy of the Electoral Rolls of Voters from the Assistant Electoral Registration Officer, 65 – Goshamahal Assembly Constituency and other records available in Government Offices and Central Government Offices like the Aadhaar Card, Pan Card and from banks, which clearly prove that the accused has impersonated and played fraud and cheated by claiming to be the son of Ram Prasad Inani falsely claiming temple and its management in the proceedings before the Deputy Commissioner of Endowments at Hyderabad at Boggulakunta, Tilak Road, Hyderabad and their staff in O.A.No.19 of 2003 filed in the year 2003 and also amended petition and filed again on 25.7.2007 and counter-affidavits filed in W.P.Nos.37271 of 2012, 37241 of 2012, 37261 of 2012 and 37244 of 2012 before this Court for the purpose of usurping the properties of the said temple and to usurp the office of Trusteeship of the temple from the complainant and his family members with an intention to cause loss to the complainant and his family members dishonestly and deceived. The above facts and omissions of the accused clearly establish that the accused has impersonated for a non-existing person with his name with father's name as Ram Prasad Inani and forged affidavits and petitions in his own name as impersonated person and by using the said documents, falsely claimed the trusteeship and the property of the temple. Almost, A-1 to A-3 cheated the Government authorities also i.e., the Endowment authorities through the litigations before the Deputy Commissioner of Endowments at Hyderabad, A.P. Endowments Tribunal and this Court. Though A-1 to A-3 very much knew that no such person with such name exists and that A-1 is not at all the son of Ram Prasad Inani and knowing that A-1 is the son of Mohan Lal Inani, filed all litigations with false parentage to make an illegal gain. In fact, said Ram Prasad Inani has no connection with the temple and never established to be the Founder of the temple. In fact, the land in which the temple is existing was given by Maharaj Nanakram Bahadur in favour of the complainant's

ancestor by name Heeralal Bansilal and their family members. Knowing all the facts, till date, A-1, taking advantage of one of the names by Ram Prasad Inani, claiming to be the panch committee members and created a platform stating and impersonating himself as son of Ram Prasad Inani and filing various cases against the present management.

It is further averred that the accused have no right, title or claims whatsoever over the said temple, its property and affairs. A-1 to A-3 filed the above cases and several other cases against the complainant with an intention to knock away the above temple property by forging several documents personating himself as Venugopal, S/o.Ram Prasad. In fact, there is no evidence to show that Venugopal Inani is the son of late Ram Prasad in any records. A-1 has not filed any document evidencing that he is the son of late Ram Prasad Inani before any Court of law. A-3 is the son of Venugopal – A-1 and he also knowingly, made several complaints before various Forums for common litigation to grab temple property and put loss to the temple and instigating his father to cause the offence and thereby, they committed the offences punishable under Sections 419, 420, 463, 464, 468 and 471 read with 34 I.P.C. Hence, prayed to refer the complaint to the police, Charminar Police Station for registering the crime.

4. There are six documents as enclosures to the complaint filed. They are 1) zerox copy of General Power of Attorney in favour of the complainant, 2) office copy of counter filed before this Court in W.P.Nos.37244 of 2012, 37241 of 2012, 37261 of 2012 and 37271 of 2012 dated 23.6.2014 and 24.6.2014, 3) certified copy of O.A.No.19 of 2003 filed before the Deputy Commissioner of Endowments, Hyderabad filed by A-1 and A-2, 4) certified copy of I.A.No.29 of 2005 filed by A-1 and A-2, 5) zerox copy of certified copy of electoral roll 2014 issued from the office of Deputy Commissioner, G.H.M.C., Circle VIII, Abids, Hyderabad and 6) office copy of police complaint.

5. Learned Magistrate did not pass any reasoned order while referring the complaint to the police for investigation. In fact, from the perusal of the averments, what the record shows from the electoral rolls or bank accounts or Aadhaar Card is that one Venugopal is the son of Mohan Lal and the complainant wants to say that Venugopal is A-1, who is the son of Mohan Lal, and claiming as if he is the son of

Ram Prasad Inani before the Endowments Tribunal or earlier before the Deputy Commissioner for the hereditary trusteeship to recognize as Member of the Founder Family of the temple. From the very say, the claim is, in the judicial proceedings, an offence effecting administration of justice. In fact, as per Section 195 Cr.P.C., no Court shall take cognizance of any offence punishable under Sections 172 to 188 I.P.C. except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is administratively subordinate of any offence punishable under Sections 193 to 196, 199, 200, 205 to 211 and 228 I.P.C., when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or of any offence described in Section 463 or 471, 475 or 476 I.P.C. in respect of a document produced or given in evidence in a proceeding in any Court or of any criminal conspiracy to commit or any abatement or attempt to commit any such offences except on complaint in writing of that Court, or by such officer of the Court as that Court may authorize in writing in his behalf or on some other Court to which that Court is subordinate. Here, the private complaint refers to the offences punishable under Section 419, 420, 463, 464, 468 and 471 read with 34 I.P.C. whereas the F.I.R. was registered for the offences punishable under Sections 419, 420, 463, 464, 468 and 471 read with 34 I.P.C. The learned Magistrate has not drawn the attention to Section 195 Cr.P.C. from the bar under Section 463 I.P.C. and the aggravated forms of it covered by Section 464 or 468 I.P.C. and for Section 471 I.P.C. vide Section 195 (b) Cr.P.C.

6. The learned Magistrate should not have been forwarded the complaint. Equally, had the police applied their little mind from the reference in registering the crime, they could not have mentioned the offence punishable under Section 205 I.P.C. in the charge sheet. That is also a bar under Section 195 (b) Cr.P.C. The learned Magistrate, without judicial application of mind, forwarded the complaint in directing the police to register the same. Said forwarding is unsustainable under law as it is the outcome of non application of judicial mind even a little and once the same is quashed, the crime registered is unsustainable. Even the original G.P.A. was not filed and the Court even did not insist for original G.P.A. and permitted the filing of the complaint by G.P.A. Holder including referring to the Court for original party is admittedly there. For all these reasons, the proceedings are quashed without

prejudice to take proper steps permitted by law.

7. Accordingly, the Criminal Petition is allowed quashing all the proceedings in C.C.No.356 of 2015 on the file of the Chief Metropolitan Magistrate, Nampally, Hyderabad.

8. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

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**Dr. JUSTICE B.SIVA SANKARA RAO**

Date:25.11.2015

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**THE HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

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**DATE:25.11.2015**

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