

HON'BLE SMT JUSTICE ANIS

CRIMINAL PETITION No.3014 OF 2015

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C'), seeking to quash the proceedings against the petitioners-A.10 to A.13 in C.C.No.2493 of 2014 on the file of the III Additional Chief Metropolitan Magistrate, Criminal Courts, Nampally, Hyderabad, for the offences punishable under Sections 198, 199, 200, 417, 468, 471 & 120-B of the Indian Penal Code, 1860 (for short 'I.P.C').

2. The case of prosecution in brief is that one Phatimal, who was the owner of lands in Sy.Nos.317, 320, 330, 332 & 333 totaling Ac.64-10 guntas situated at Poppalguda village, Rajendra Nagar Mandal, Ranga Reddy District, sold them to respondent Nos.2 & 3 herein vide Registered Sale Deed bearing No.763/1968 dated 20.06.1968 and thereafter he died; that A.1 to A.8 through A.9- General Power of Attorney, falsely claimed half share in the said land as co-sharers and filed a petition for mutation before the Deputy Collector & Tahsildar, Rajendra Nagar Mandal, Ranga Reddy District; that in the said proceedings, respondent Nos.2 & 3 raised objection, but however, A.14 i.e., Tahsildar passed orders dated 02.06.2014 mutating half of the land in favour of A.1 to A.8; and that in the said proceedings, A.10 filed a false affidavit knowing it to be false denying the execution of sale in collusion with A.1 to A.9 and A.14, and hence the charge.

3. The learned counsel appearing for the petitioners argued that C.C.No.2493 of 2014 is pending before the III Additional Chief Metropolitan Magistrate, Criminal Courts, Nampally, Hyderabad and it is coming for appearance of the accused; that in CrI.M.P.No.16104 of 2014, this Court granted interim order in favour of A.1 to A.9; that the present petition is filed by the petitioners-A.10 to A.13 for quashing the proceedings against them in C.C.No.2493 of 2014; that petitioner No.1 is aged about 88 years, bed ridden, and is not in a position to attend the Court and other petitioners are also aged persons, and therefore prayed the Court to dispense with their appearance in the Court in C.C.No.2493 of 2014 on the file of the III Additional Chief Metropolitan Magistrate, Criminal Courts,

Nampally, Hyderabad.

4. On the other hand, Sri K. Durga Prasad, learned counsel appearing on behalf of respondent Nos.2 & 3, represented that he has no objection for dispensing the appearance, provided the thumb impression of petitioner No.1 has to be taken immediately because he is an aged person and bed ridden. He also stated that necessary petition is already filed in the Court.

5. Considering the request of both sides, the III Additional Chief Metropolitan Magistrate, Criminal Courts, Nampally, Hyderabad, is directed to dispense the appearance of the petitioners herein/A.10 to A.13 in C.C.No.2493 of 2014 by taking necessary steps to obtain the thumb impression of petitioner No.1 herein/A.10 for comparing it with his thumb impression in the original book of document No.763 of 1968 dated 20.06.1968 of the then Sub-Registrar, Hyderabad West, and to know its genuineness, within two weeks from the date of receipt of this order.

6. In view of the above observation, the Criminal Petition is disposed of.

7. The miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

ANIS, J

Date: 09.04.2015

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