

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P.No.7089 of 2015

ORDER :

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner/A.5 to quash the proceedings in C.C.No.2113 of 2013 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, taken cognizance for the offences punishable under Sections 120-B, 468,469,471 and 484 of I.P.C. on the report of the Director General of Police by name R.K.Nandan, Special Protection Force, Secunderabad.

2. Heard the learned counsel for the petitioner so also the learned respondent and perused the material on record.

3. Even from the police final report after completion of investigation taken cognizance for the offences supra by the learned Magistrate. So far as the offence against the petitioner/A.5 is as if she typed draft matter given to her by A.1 to A.4 only and there is nothing to attribute anything malice or mens rea much less to say privy to the offence therefrom. Apart from this, the learned counsel for the petitioner by placing reliance on the expressions of this Court in allowing the quash petition filed by the A.1 in Crl.P.No.10545 of 2014 dated 01.04.2015 and of A.2 of this crime vide Crl.P.No.6070 of 2015 dated 10.07.2015 that once the alleged original document said to have been forged is not there, no opinion is possible on the aspect of forgery based on Xerox copy of the document that is the sole basis for the maintainability of the prosecution and thereby the same is inadmissible in evidence and comparing with thereby there is no material to sustain the prosecution. Having regard to the above, the proceedings in the C.C.2113 of 2013 taken cognizance by the learned Magistrate so far as the petitioner/A.5 concerned also liable to be quashed.

4. Accordingly, the Criminal Petition is allowed by quashing all the proceedings in C.C.No.2113 of 2013 on the file of the XI Additional Chief

Metropolitan Magistrate, Secunderabad against the petitioner/A.5.
Consequently, miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 22.09.2015
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