

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

\* \* \* \*

**CRIMINAL PETITION No.6745 of 2015**

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Between:

Yallabandi Sapparani

.. Petitioner/ accused No.2

And

The State of Andhra Pradesh,  
rep. by its Public Prosecutor,  
High Court of Judicature at Hyderabad  
For the State of Telangana and the State of A.P and another  
.. Respondents/ Complainant

DATE OF JUDGMENT PRONOUNCED: 31-07-2015

**SUBMITTED FOR APPROVAL:**

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

1. Whether Reporters of Local newspapers  
Yes/No  
may be allowed to see the Judgment?

2. Whether the copies of judgment may be  
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to  
see the fair copy of the Judgment?

Yes/No

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

**CRIMINAL PETITION No.6745 of 2015**

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**ORDER :**

This Criminal Petition is filed by the Petitioner/ accused No.2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.617 of 2015 on the file of II Additional Judicial First Class Magistrate, Eluru, West Godavari District, where the learned Magistrate has taken cognizance for the offences under Sections 420, 468, 471 r/w 34 IPC against two accused including petitioner—accused No.2 and accused No.1 who is husband of accused No.2, outcome of Crime No.54 of 2015 of Eluru I Town Police Station.

2) Heard learned counsel for the petitioner/ accused No.2 as well as 1<sup>st</sup> respondent—State represented by learned public prosecutor before admission and before ordering notice to respondent No.2—de facto complainant. Perused the material on record.

3) On the 2<sup>nd</sup> respondent/ de facto complainant's report, Crime No.54 of 2015 was registered on the file of Eluru I Town Police Station, West Godavari District and the police after filing final report, that was taken cognizance by the learned Magistrate (supra) in saying the so called lease renewal documents as if issued by the father of de facto complainant. The contention of the petitioner is that it was given by father of de facto complainant and it is purely civil litigation covered by ad interim injunction passed on 08.05.2014 in I.A.No.1252 of 2013 in O.S No.286 of 2013 and obtained by them.

As the material falls short for this Court to admit the

application filed under Section 482 Cr.P.C, the same is disposed of, giving liberty to petitioner to file an application under Section 239 Cr.P.C before the trial Court if no grounds for framing charges for any of the offence to decide on own merits from the prosecution material only vide ***State of Orissa vs. Debendra Nath Padhi***<sup>[1]</sup>. Needless to say, if any application filed by the petitioner under Section 205 Cr.P.C to represent through special vakalath holder, the learned Magistrate shall hear and pass appropriate orders with necessary conditions.

4) Miscellaneous petitions, if any pending, shall stand closed.

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**Dr. B. SIVA SANKARA RAO, J**

**Dt.31.07.2015**

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

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**CRIMINAL PETITION No.6745 of 2015**

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**Date: 31.07.2015**

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[\[1\]](#) AIR 2005 SC 359