

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2444 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/A-2 in C.C.No.515 of 2015 pending on the file of Additional Judicial Magistrate of First Class, Karimnagar, arising out of Crime No.150 of 2015 of Karimnagar Rural Police Station, registered for the offences punishable under Sections 420, 447, 427, 506 read with Section 34 IPC.

Heard the learned counsel for the petitioner/A-2 and the learned Public Prosecutor and perused the material available on record.

The main contention of the learned counsel for the petitioner is that there are no specific allegations in the charge sheet against the petitioner/A-2 and the petitioner is no way connected to the alleged offences, as he is staying away from the alleged place of offence since 1994 and hence, the proceedings against the petitioner cannot be continued and the same may be quashed.

A perusal of the material on record would reveal that in the complaint, there is specific allegation against the petitioner/A-2 with respect to purchasing and selling of land in dispute on a fake document being created by the A-1, who died subsequently. It is also evident from the record that a civil dispute is pending before a competent civil court between the 1st respondent and A-3 in respect of said land and that due to some animosity between the parties in respect of the said fake transaction, the present quarrel took place. As seen from the record, the dispute arose out of fake

sale transaction between the parties is purely in civil in nature not involving any public wrong. The allegations made in the charge sheet or not will be ascertained by the trial court during the course of trial and the same cannot be decided at the threshold.

Having regard to the facts and circumstances of the case and in view of the fact that summons were issued to the accused, this Court is of the view that it is not a fit case where the proceedings can be quashed invoking the jurisdiction under Section 482 Cr.P.C. However, since it is stated that summons were issued to the accused in the case, the petitioner herein is at liberty to file appropriate application before the trial Court seeking his discharge from the charges to be framed by raising all the grounds as raised herein and on filing of such application, the trial Court shall consider the same and pass appropriate orders in accordance with law. Till completion of such of course action, the presence of the petitioner/A-2 is dispensed with except on the dates when his presence is essentially required by the Court.

With the above direction, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 25-02-2016

-
Ksn