

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.1556 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioner/A2 seeks to quash the proceedings in C.C.No.2252 of 2012 on the file of Additional Judicial Magistrate of First Class, Tiruvuru.

2) The prosecution case is that the petitioner—A2 and his Sister—A.1 approached the complainant, who is Village Revenue Officer of Marepalli Village, A. Konduru Mandal, and showed a photostat copy of a Gift Settlement Deed, dt. 8.06.2007 and stated that their father settled Ac.0.88 cents of land in Sy.No.62/3 and Ac.2.00 of land in Sy.No.62/6 in favour of A.1 and they were ready to pay land revenue for those lands and requested him to issue the Land Revenue Receipt (LR). When the complainant questioned them about the original Settlement Deed, they informed that it was laying in the Court. Believing their words, the complainant issued L.R Receipt No.C 0469107 for the fasli Nos. 1418 to 1420 for the aforesaid survey numbers, by collecting Rs.300/- as land revenue. Thereafter, when the complainant compared the photostat copy of the Settlement Deed with the original Settlement Deed lying in the Court, he noticed that survey number relating to Ac.0.88 cents of land was mentioned as 62/3 in the photostat copy, but in the original deed, Survey Number was mentioned as 63/1 and he then came to know that the accused forged the said survey number in the photostat copy and obtained L.R. receipt from him and thus

cheated him. Thereafter, he summoned the accused and asked them to return the L.R Receipt, but they did not heed his words. Hence, he reported the matter to M.R.O., A.Konduru Mandal. Even though M.R.O issued notice to the accused, they did not respond. Therefore, the complainant gave the complaint to the police of A. Konduru Police Station, who registered the same as a case in Cr.No.20/12 against the accused for the offence under Sections 420, 468 and 471 IPC and after investigation, laid charge sheet against them. Learned Additional Judicial Magistrate of First Class, Tiruvuru, accepted the charge sheet and numbered as C.C.No.2252 of 2012. Hence, the instant petition.

3) Heard learned counsel for petitioner and the learned Public Prosecutor.

4) While denying the allegations made against the petition, learned counsel for petitioner submitted that the V.R.O gave a false complaint against the accused on the instigation of the sister-in-law of the accused, who filed a suit against the father and sister of the petitioner, for partition. Learned counsel further submitted that the petitioner is a Veterinary Doctor and he never approached the V.R.O to pay the tax. First accused, who is a party to the document, did not observe the mistake of wrong mentioning of survey number and even assuming that the complaint allegations are true, mere payment of the tax in wrong survey number will not entitle a party to claim ownership in respect of that land and therefore, in that view of the matter, no offence has been committed by the accused. He, thus,

prayed to allow the petition and quash the proceedings.

5) Learned Public Prosecutor opposed the petition and stated that the accused have not only presented a photostat copy of Settlement Deed wherein they forged survey number of the land and obtained L.R receipt for that survey number but also failed to respond in proper manner to the notices issued by the VRO and MRO, which shows that they have committed forgery with an oblique motive.

6) The main accusation against the petitioner/A.2 is that he produced a photostat copy of Gift Settlement Deed stating that under the original of the said document, which was laying in the Court, their father settled some land in favour of A.1 and offered to pay land revenue for this lands. One of the survey numbers mentioned in the photostat copy was Rs.No.62/3 in an extent of Ac.0.88 cents. However, in the original deed, survey number was mentioned as 63/1. Thus, the prosecution case is that the accused have forged the survey number in photostat copy and cheated the complainant and inspite of the notices, they have not responded properly

7) The first submission was that the petitioner, who is working as Veterinary Doctor, did not approach the complainant—VRO for paying land revenue and secondly, A.1 by mistake did not observe the wrong survey number in the photostat copy and even assuming they paid land revenue for a different survey number, it will not confer any title on them in respect of that property. With regard to petitioner/A2, whether he too followed A.1 to the complainant to make a request to

issue land revenue receipt in respect of the property covered by photostat copy of the Settlement Deed or not can be decided only after full fledged trial. Similarly, whether the accused have intentionally forged the photostat copy, or a wrong survey number was crept in the photostat copy by mistake has also to be decided only after trial. In this case Charge sheet is already filed and the case is numbered. In these circumstances, it is not apt to quash the proceedings at this stage.

8) Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Dt: .06.2016

eha