

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1869 OF 2016

ORDER:

This criminal petition is filed by the petitioner-A3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.2113 of 2014 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, for the offences punishable under Sections 120-B, 468, 469, 471 and 484 IPC.

When the matter is taken up for hearing, learned counsel for the petitioner submitted that A2 in the present crime has moved a quash petition in CrI.P. No.6070 of 2015 before this Court and this Court vide its order, dated 10.06.2015, quashed the proceedings against him, by observing as follows:

As per the material on record, particularly, charge sheet and the statements of LWs.1 to 13 of whom, LWs.9 to 13 are the official witnesses, LW.8 is the hand writing expert, LWs.2 to 7 are the panch witnesses, and LW.1, who is the so-called M.L.A., stated that the signature on the letter head is not that of him and it is a forged one. This Court another Bench of order in CrI.P.No.10545 of 2014 filed by G.Nagabhushanam-A.1, quashed the proceedings, by order dated 01.04.2014, with observation that when the so-called original letters allegedly forged documents that were stated to be in use not seen the light of the day and even investigation done and charge sheet filed shows addressed to Principal Secretary to Home Department to collect and submit nothing received and only from a copy sent to the hand writing expert-LW.8 for comparison and opinion received and the expression in **Bheri Nageswara Rao v. Mavuri Veerabhadra Rao and others**^[1] categorically saying without the original disputed document, the question of comparison with any specimen signatures or admitted signatures does not arise from a Xerox copy of the disputed signatures to place any reliance and once that is excluded there is no other legal evidence, much less, to place any relevant on the so-called contentions. Hence to cause to quash.”

and that as the petitioner herein is also standing on the same footing, the same benefit may also be extended to him and hence, he requested to quash the proceedings against the petitioner.

In view of the above, Accordingly, the criminal petition is allowed and all the proceedings relating to C.C.No.2113 of 2014 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, are quashed against the petitioner-A3. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 17, 2016.

KTL

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