

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRLP.NO.14699 OF 2016

O R D E R

Vide the present petition, the petitioner seeks a direction thereby to quash the FIR No.310 of 2016 dated 13.07.2016 registered at P.S Nallapadu, Guntur District for the offences punishable under Sections 420 and 468 of IPC.

The case of the de facto complainant is that he has purchased Plot No.556, to an extent of 200 Sq.Yds., in D.No.475 and 477 of Gorantla Village from Jallepallil Ravi Teja Housing and Construction Pvt. Ltd., which is represented by its chairman Jallepally Rama Koteswara Rao (A.1) i.e., the petitioner herein. Thereafter, the de facto complainant executed a gift deed in favour of his mother Rayapudi Subbayamma. Since then the said plot was in his possession. The de facto complainant further alleged that he regularly used to verify E.C online and that till 16.11.2015 the said plot was in his name. However, he came to know recently that Jallepally Rama Koteswara Rao/A.1 along with his followers created a document that de facto complainant Plot No.556 was belonged to Ghantasala Nageswara Rao and illegally sold to Surpaneni Bhargavi and the sale consideration was distributed among the petitioner/A.1 and the aforesaid persons.

Learned counsel for the petitioner submits that the petitioner being Chairman of company and attorney holder, sold the property to the de facto complainant in 2002. If thereafter, any cheating or forgery alleged to have

been committed and the property is transferred in the name of A.2, the petitioner/A.1 has played no role in this effect. He submits that the sale document is not from Jallepalli Ravi Teja Housing and Constructions Pvt. Ltd.,. However, the said document is alleged to have been purchased from the de facto complainant. The petitioner is not even witness of the said document.

At this stage, the learned Additional Public Prosecutor was directed to produce the sale document in question on the next date of hearing. It was also directed that if the sale is executed in further hands from the petitioner or from the company, the complete way has to be produced on the next date of hearing.

Accordingly, on instructions, the learned Additional Public Prosecutor submits that A-2 was interrogated, who disclosed how the crime has taken place. Therefore, the investigating officer decided to make him as L.W.3 and accordingly his statement was recorded, whereby he stated that while working in railway as RMS, in the year 1991, he purchased the house site in an extent of 200 sq. yards from Komirisetty Venkateswara Rao s/o Kotaiah, resident of Gorantla village and registered the same in the office of Sub Registrar, Guntur Vide document No.1538/1991. Accordingly, he took loan from the Central Bank of India, Guntur City by mortgaging the said land. Since then, the said document is lying with the bank. He took original document from the bank on 3.9.2015, after clearing the debt. On 3.9.2015, he sold away the said land to Surapaneni Bhargavi, w/o Srinivasa Rao,

belonging to Dr.A.S.Rao Nagar and registered the same in the office of the Sub Registrar, Nallapdu vide document No.8362/2015 and one Sambasiva Rao and Sivarama Krishna acted as witnesses. But, recently, he came to know that Jallepalli Rama Koteswara Rao, Chairman and Managing Director of Jallepalli Ravi Teja Housing and Construction Pvt Ltd., created a fake G.P.A. vide document No.74/B14/2001, as if he had executed G.P.A. in his favour and in turn sold away to Rayapudi Durga Rao, resident of Nehru Nagar, Guntur and registered the same vide document No.2942/2002 on 13.5.2002. At that time, his original document was lying with the bank in mortgage. He further stated that the petitioner cheated the said Durga Rao, by creating fake GPA document, as if he had executed GPA in his favour by impersonating other's photograph in his place and made the said Durga Rao, to believe, as the said photograph is of the petitioner. He has specifically stated that he had not given GPA to petitioner. However, he sold the land legally to Surapaneni Bhargavi.

Keeping in view the arguments of the counsel for the petitioner and the now stand taken by the prosecution, it is necessary that the matter should be investigated fully and, thereafter, report as per law, be filed.

Vide the present petition, petition sought for quashing of the proceedings in the present crime. In my considered opinion, this is not the stage to quash the proceeding in the matter.

Let the matter be investigated and if after investigation, the investigating agency feels that there is no case against the petitioner, they

are at liberty to file final report and if some substance is there, the report can be filed accordingly.

The petitioner is enjoying the interim protection from the court since long. Let the petitioner join the investigation. The Investigating Officer, shall not arrest the petitioner at the initial stage. However, if the Investigating Officer feels that the custodial interrogation of the petitioner is necessary, then he may accordingly issue notice, one week prior to the same.

It is needless to state that the petitioner shall remain present as and when call by the SHO concerned for the purpose of investigation till final report/charge sheet is filed.

I hereby make it clear that if the petitioner does not co-operate with the investigation, the investigating officer is at liberty to move application for cancellation of interim protection granted by this court.

The petitioner is disposed of accordingly.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT, J

DATE: 28—12—2016

AVS