

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.8239 of 2011

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioners/A.2 and A.3 seeking to quash the proceedings in C.C.No.584 of 2011 on the file of X Additional Chief Metropolitan Magistrate, Secunderabad.

2. Respondent No.2 – Smt. Rachana Jaiswal is the defacto-complainant. On 27.04.2009, the X Additional Chief Metropolitan Magistrate, Secunderabad, received a complaint from respondent No.2 – Smt. Rachana Jaiswal and forwarded the same for investigation and report under Section 166(3) of Cr.P.C., to Chilakalaguda Police Station, Secunderabad. The Officer Incharge of the said Police Station received the said complaint and registered a case in FIR.No.262/2009 on 27.04.2009 against A.1 to A.3. The police of Chilakalaguda Police Station investigated the matter and filed charge sheet under Section 173 Cr.P.C., alleging that they have committed offences punishable under Section 420 IPC against A.1 to A.3, Section 421 of IPC against A.1, and Sections 324 and 506 IPC against A.3. In the charge sheet, the petitioners herein, who are A.2 and A.3, were shown as absconding and NBWs were sought to be issued against them. Aggrieved by the same, the petitioners, who are A.2 and A.3, have filed this Criminal Petition

3. Heard the arguments of the learned counsel for petitioners/A.2 and A.3 and the learned Public Prosecutor for respondent No.1 – State. Perused the material on record.

4. Learned counsel for the petitioners mainly contended that the allegations against the petitioners are that A.1 to A.3 have impersonated Smt. Sarada Devi on 30.03.2009 before the Sub-Registrar's Office by pasting her photograph and also putting her thumb impression and got executed a sale deed in favour of A.2, knowing fully well that Smt. Sarada Devi died on 02.01.2005 itself. The other allegation against A.3 is that he caused injuries and assaulted LW.2 – Sri K. Kousalram, threatened him with dire consequences and pushed LW.1 – Sri Meenaram and the defacto-complainant and thus, they have committed offences punishable under Sections 324 and 506 IPC. Learned counsel for the petitioners contended that the case initiated against the petitioners is false in view of the fact that they are no way connected with the offences alleged against them. He further submits that this Court has already quashed the proceedings against A.1 – D. Satyanarayana Rao, who is the main accused in this case and was responsible for the alleged transaction and when the case against the main accused himself is quashed, there are no grounds for proceeding against the petitioners/A.2 and A.3, as they are no way connected with the commission of offences, moreover, they are only alleged to be the *bona fide* purchasers of the subject property.

5. The learned Public Prosecutor submitted that since the proceedings against A.1 have been quashed, they do not have any objection for quashing the proceedings against A.2 and A.3, who are the *bona fide* purchasers of the subject property.

6. On consideration of facts and circumstances of the case and in the light of decision rendered in ***Gian Singh v. State of Punjab & Another***¹, as the transaction pertains to civil nature and that the proceedings against A.1 were already quashed, continuation of proceedings against the petitioners/A.2 and A.3 is nothing but abuse of process of law and, though the offences alleged against them are slightly different from the offences alleged against A.1. Therefore, the proceedings against the petitioners/A.2 and A.3 are also liable to be quashed.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners/A.2 and A.3 in C.C.No.584 of 2011 on the file of X Additional Chief Metropolitan Magistrate, Secunderabad.

8. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

GUDISEVA SHYAM PRASAD, J

OCTOBER 12, 2017
YVL/Msr

¹ 2012 (9)SCALE 257

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Date:12.10.2017

YVL