

HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.6570 of 2011

ORDER:

This criminal petition is filed by the petitioners/A-5 & A-6, under Section 482 of Cr.P.C., seeking to quash the proceedings in FIR No.44 of 2011, dated 15.05.2011, on the file of Samisrigudem Police Station, West Godavari District.

2. Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the 1st respondent. Perused the material available on record.

3. The contention of the petitioners is that they are A-5 and A-6 in FIR No.44 of 2011. There is no allegation of involvement of the petitioners and they are arrayed as accused wholly on suspicion. The question who is authorized to manage the property at Samisrigudem among the complainant's mother and her son A-3 is purely civil in nature.

4. On the other hand, the 2nd respondent contended that he came to know that the petitioners are developing the property with their authorization by showing the signatures of the complainant to the customers, which comes under deception and forgery.

5. A perusal of the record goes to suggest that basing on the complaint of the complainant/2nd respondent herein, the police registered a case in Crime No.44 of 2011 on 15.05.2011 for the offences punishable under Sections 427, 468, 471, 448, 420, 511 & 34 IPC against the petitioners and others. The petitioners are arrayed as A-5 and A-6 in FIR No.44 of 2011. The 2nd respondent claims to be the Chairperson of the World Missionary Evangelism of India, a Christian

organization. They constructed a orphanage home in the name of “Douglas Memorial Children Home” and it was stopped in the year 1992. It is averred that in the month of March, 2011, the Douglas Memorial Children Home was demolished to construct duplex houses for commercial purpose. There is a specific allegation that the petitioners are showing the signatures of the 2nd respondent to the customers and deceiving them. Because of the stay in the proceedings in the FIR No.44 of 2011, the investigation in the said FIR could not be proceeded further. In view of the specific allegations of the petitioners, I find that no grounds are shown to say that the complainant abused the process of Court.

6. In the result, the Criminal Petition is dismissed and the interim order, dated 06.09.2011, granted in Crl.P.M.P.No.6736 of 2011 stands vacated.

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



N.BALAYOGI, J

Date: 13th October, 2017

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