

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.2757 OF 2017**

**ORDER:**

A request is made to exercise power under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') to quash the proceedings in Calendar Case No.506 of 2015 on the file of the II Metropolitan Magistrate, L.B. Nagar, Ranga Reddy District, Telangana State.

2. The petitioner is arraigned as accused No.4 in the aforesaid Calendar Case. He along with other accused alleged to have committed the offences punishable under Sections 447, 468 and 471 of Indian Penal Code, 1860 (for short 'IPC').

3. Heard Smt. V. Dyumani, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioner would plead innocence and false implication of the petitioner. Her submission has been that the petitioner is a *bona fide* purchaser without having knowledge of impersonation of the original owner and, therefore, prosecution of petitioner for the offences alleged would amount to the abuse of process of law.

5. The learned Additional Public Prosecutor would strongly resist the request contending that even the report of the Forensic

Science Lab would clearly indicate that the signatures on the original document when compared with the fake documents are not tallied and, therefore, requests to dismiss the petition.

6. Now, the short question that arises for consideration is, whether the petitioner's request to quash the proceedings in the aforesaid Calendar Case can be acceded to.

7. The fact-situation occurring in the present case is seen, the stand taken by the petitioner - accused No.4 would relate to disputed questions of facts. Unless a full-fledged trial takes place, it is difficult, at this stage, to derive probabilities as to whether the petitioner had knowledge that the person, who impersonated the *de facto* complainant, was not the original owner.

8. The learned counsel for the petitioner requests for exempting appearance of the petitioner on the ground that the petitioner is only a subsequent purchaser. The request appears to be reasonable. Therefore, presence of the petitioner is exempted, except on the dates of his examination under Sections 239 and 313 of the Code.

With the above observation, the request is rejected dismissing the present Criminal Petition. As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

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**A. SHANKAR NARAYANA, J**

**April 11, 2017.**

Mgr