

The Hon'ble Smt. Justice T.Rajani

Criminal Petition No.8488 of 2017

Date: 03.10.2017

Order:

This Criminal Petition is filed by the petitioners/accused Nos.3 and 5 seeking to quash the proceedings in CC.No.431 of 2012 on the file of the III Additional Metropolitan Magistrate Court, Tirupathi, Chittoor District, against them.

The learned Public Prosecutor (AP) takes notice for the respondents. Heard the learned Counsel for the petitioners and perused the record.

The learned Counsel for the petitioners contends that except the allegation that petitioner No.1 secured xerox copies of the sale deeds and petitioner No.2 attested the alleged fabricated documents, no other allegations are levelled against them. He also takes support of a ruling of this Court reported in **Yelakala Rangarao and others vs. State of A.P., and another**¹ wherein this Court has quashed the proceedings against the attesor, who attested a fabricated document, on consideration that except simple attestation, he did not commit any other act relating to fabrication of the document.

¹ 2013 (2) ALT (Cri.) 46 (A.P.)

The above ruling cannot be followed in the present case as the contents of the complaint herein show that each accused played a different role in creating the fabricated sale deeds. Whether petitioner No.1 obtained xerox copies to facilitate fabrication of the sale deeds and whether petitioner No.2 attested the same with the knowledge that they are not genuine documents are all the facts, which have to come to light after due trial. Hence, I consider that quashing of the proceedings against the petitioners at this stage is not advisable.

At this Stage, the learned Counsel for the petitioners sought for a direction to dispense with the presence of the petitioners during the trial.

The aforesaid plea also cannot be accepted because the petitioners can file appropriate petitions before the Court below, which, in turn, can dispense with their presence, if not required, in accordance with law.

Subject to the above observation, the Criminal Petition is dismissed.

As a sequel, Crl.M.P.No.9089 of 2017, filed by the petitioners for interim relief, is disposed of as infructuous.

(T.Rajani, J)

