

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.935 AND 977 OF 2017

COMMON ORDER:

The petitioner in the former petition, who is arraigned as accused No.4, requests to quash the First Information Report in Crime No.205 of 2016 of Pedakakani Police Station, Guntur Urban under Section 482 of the Code of Criminal Procedure, 1973, while the petitioners in the latter petition, who are arraigned as accused Nos.10, 19, 21 and 22, also request for a similar relief.

2. The petitioners in both the petitions alleged to have committed the offences punishable under Sections 419, 420, 468 and 471 read with 34 IPC and Sections 4 and 5 of Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

3. Heard Sri Poluri Prabhakar Rao, learned counsel for the petitioners in both the petitions and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel would submit that purchase of land by the father of *de facto* complainant, who is respondent No.1 herein, was on 14.06.1967, the extent being Ac.0-80 cents in Survey No.278/A out of Acs.2-38 cents, and the said area was plotted subsequently in 1990, and one Gade Ravi Shankar Reddy, by colluding with others alleged to have forged the finger prints of the *de*

facto complainant's grandfather and said to have created the documents. Therefore, the submission of the learned counsel is, that the complaint is totally false, and even otherwise a civil suit would lie but not a criminal case, and lodging the complaint in the year 2016 complaining forging the thumb impressions of the grandfather of the *de facto* complainant itself would falsify the allegations in the complaint and, therefore, sought to quash the FIR against the petitioners.

5. The learned Additional Public Prosecutor would strongly oppose the request.

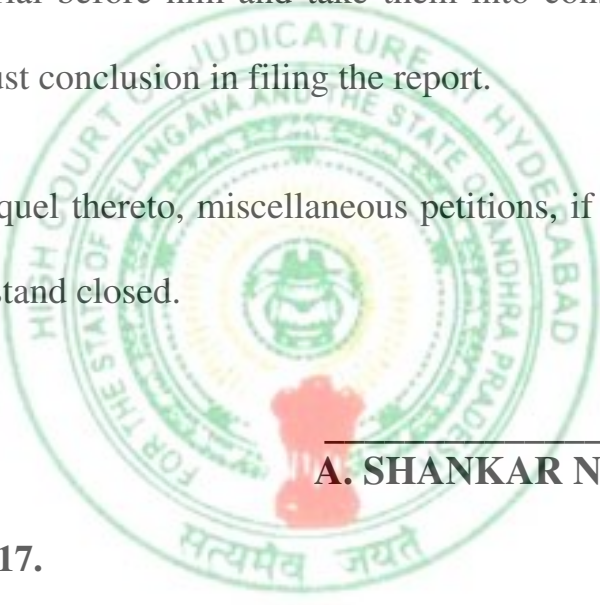
6. It is no doubt true, the complaint was lodged on 11.07.2016, but the last transaction appears to be in the month of February, 2015, during which month, when the *de facto* complainant went to the Sub-Registrar's Office for getting his share of plots numbering 13 plots registered, to which he is entitled, he detected that Gade Ravi Shankar Reddy deceiving him and forging the thumb impression of his grandfather got registered some plots to others and, thus, he lodged the complaint. The learned counsel would submit that the petitioners, who are purchasers of plots, cannot be implicated in the present case. Therefore, it is his submission to quash the complaint itself.

7. The complaint allegations are being probed into by the Investigating Officer. When serious allegation of forging the finger

prints of the grandfather of the *de facto* complainant is alleged specifically in the complaint, it cannot be said that there are no allegations *prima facie* to conduct further investigation. In that view of the matter, the present petitions for quashment cannot be allowed.

8. Therefore, the Criminal Petitions are dismissed. It is, however, made clear that the Investigating Officer while collecting evidences would also give an opportunity to the petitioners to place relevant material before him and take them into consideration while arriving at a just conclusion in filing the report.

As a sequel thereto, miscellaneous petitions, if any, pending in the petitions, stand closed.



A. SHANKAR NARAYANA, J

March 06, 2017.

Mgr