

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.6369 OF 2011

ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Crime No.70 of 2011 of Dharmasagar Police Station, Warangal District registered for the offences under Sections 420, 464 and 471 of IPC against the petitioners/A1 to A4.

Heard learned counsel for the petitioners and learned Public Prosecutor.

The brief facts of the case are that, on 02.06.2011, 2nd respondent has given report to the Station House Officer, Dharmasagar Police Station stating that his father late Venkateswara Rao purchased agricultural lands admeasuring Acs.42.24 guntas in Sy.Nos.426/A, 443, 452, 454 under document No.840/89 dated 16.08.1989, his mother, Smt.Pallepati Sugunadevi, purchased land admeasuring Acs.19.03 guntas in Sy.Nos.443, 445, 442/1 and 442/2 under registered sale deed, dated 13.07.1989 and 17.06.1989 and 31.07.1989 and his brother, Pallepati Krishna Mohan, purchased land admeasuring Acs.7.19 guntas in Sy.No.428 under sale deed, dated 25.01.1990. All these lands are situated in Rampur Village, Hanamkonda Mandal, Warangal District. The 2nd respondent, his brothers and mother succeeded to the property after demise of his father. The 2nd respondent did not deliver the possession of the property in respect of above lands in favour of 1st petitioner. It is alleged that 1st petitioner executed a gift deed in favour of petitioner Nos.2 and 3 *vide* document dated 04.05.2011 and those documents are fabricated. The police, basing on the said report, registered a case in crime No.70 of 2011 under

Sections 420, 464 and 471 of I.P.C. Aggrieved by the same, the petitioners have preferred this petition to quash the proceedings.

Learned counsel for the petitioners submits that the ingredients of Sections 420, 464 and 471 of IPC are not present in this case even if the allegations in the F.I.R. are taken into consideration on their face value. Therefore, it is argued that no case is made out against the petitioners and prayed to quash the said proceedings.

Learned Public Prosecutor submits that the police may be directed to follow the procedure under Section 41-A of Cr.P.C. and investigate the matter.

Learned counsel for the petitioners submits that he has no objection if the petition is disposed of with a direction to the investigating agency to follow the procedure under Section 41-A of Cr.P.C. and investigate the matter.

Upon considering the representations of both sides, the Criminal Petition is disposed of with a direction to the police to complete the investigation in this matter by following the procedure contemplated under Section 41-A of Cr.P.C.

The Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

GUDI SEVA SHYAM PRASAD,J

Date : 05.10.2017
ssp