

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2374 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C.No.617 of 2016 on the file of XI Metropolitan Magistrate, Cyberabad at L.B.Nagar.

The petitioners, who are arraigned as accused Nos.1,3 and 4 in the aforesaid Calender Case, alleged to have committed the offences punishable under Sections 420, 423 and 468 read with 120B of the Indian Penal Code and Sections 82 and 83 of the Registration Act.

Sri N.Chandra Sekhar Reddy, learned counsel for the petitioners, would submit that there is no material at all to substantiate the allegations in the direction of proving the offences leveled against the petitioners, more particularly, against petitioner Nos.2 and 3, who are accused Nos.3 and 4, respectively, in the above Calender Case. Learned counsel would also submit that accused No.4 is the wife of accused No.3 and, in fact, a civil litigation is sought to be converted into criminal action, as earlier, a civil suit in O.S.No.159 of 2011 on the file of II Senior Civil Judge, Ranga Reddy District at L.B.Nagar, was filed along with I.A.No.68 of 2011 and the said I.A. filed by the *de facto* complainant was dismissed and, having been unsuccessful, the *de facto* complainant resorted to criminal action.

Learned Additional Public Prosecutor for the State of Telangana would submit that it is a serious offence of fabricating the documents on fake stamp papers by forging the signatures and resorting to criminal conspiracy to grab the property in plot No.36 in Sy.Nos.69 & 70 situated at Lingojiguda Village of Saroornagar, Ranga Reddy. He would also point out the conclusion arrived at by the Investigating Officer to that effect in the charge sheet.

When there are allegations *prima facie* showing the complicity of the petitioners in the commission of offences alleged, from the material placed on record, it is difficult to construe that the trial being resorted to in the Calender Case would amount to the abuse of process of law.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

22nd March, 2017
v v

A. SHANKAR NARAYANA, J