

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2835 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the First Information Report in Crime No.38 of 2017 of Arvapalli Police Station, Suryapet District.

2. Petitioners are arraigned as accused Nos.2 to 4 in the aforesaid crime. They, along with accused No.1, alleged to have committed the offences punishable under Sections 447, 427, 420, 465, 468, 471 and 472 read with 34 I.P.C.

3. Heard Sri V. Brahmaiah Chowdary, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Telangana.

4. The submission of the learned counsel for petitioners is that respondent No.2 – *de facto* complainant is defendant No.2 in O.S.No.3 of 2017 on the file of Junior Civil Judge, Thungathurthy, filed by petitioner No.1 for the relief of perpetual injunction, and in the said Suit, petitioner No.1 has also filed I.A.No.5 of 2017 and obtained *ex parte* interim injunction till 06.02.2017 and despite receipt of notice, since, both the respondents therein, who are the *de facto* complainant and her husband, did not attend the Court, they were set *ex parte* and temporary injunction granted earlier was extended till

21.04.2017. It is, therefore, his submission that the dispute is purely civil in nature and the *de facto* complainant converted it into criminal action and, hence, sought to quash the First Information Report in the said crime.

5. Learned Additional Public Prosecutor, while submitting the C.D. file, would seriously oppose the request on the ground that serious allegations have been levelled against the petitioners with regard to forgery and fabrication of the documents and using such documents as genuine documents.

6. A perusal of the complaint averments would show that a serious allegation was levelled against the petitioners to the effect that they have projected as if the title deed and pattadar passbook concerning the subject land were issued to them, but when the *de facto* complainant, having seen the photostat copies of the same, took them to the M.R.O. Office, Arvapalli, the revenue authorities stated that the said documents were not issued by them and the signatures of V.R.O., M.R.O. and R.D.O. were forged.

7. Learned counsel for the petitioners, of course, would point out that none of the public servants did lodge any complaint. But, that cannot be a ground to quash the First Information Report. The truth has to be unravelled, which can only be done after investigation is

completed. Therefore, it cannot be said that investigation into the aforesaid crime would amount to the abuse of process of law.

8. Hence, the Criminal Petition is dismissed. However, it is left open to the petitioners, in case they so choose, to submit the evidence to the Investigating Officer during the course of investigation.

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

April 11, 2017.
MD

A. SHANKAR NARAYANA, J

