

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.16894 of 2016

ORDER:

The petitioner is the accused in Cr.No.274 of 2016, dt.10.09.2016 on the file of the I Town Police Station, Nalgonda, outcome of the report of the 2nd respondent-the defacto-complainant registered for the offences u/sec.468 and 471 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and also the learned counsel for the 2nd respondent and perused the material on record.

The report of the 2nd respondent of even date shows that he is having rights over the land in Sy.Nos.653,655,656 and 670 to an extent of Ac.12-34½ cents situated in Yellareddygudem revenue limits, Narketpalli mandal, Nalgonda district and with regard to that property he also got revenue title deed, however on 08.07.2010, one Anantha Koteswara Rao, petitioner herein by forging his signature created sale agreement in his(petitioner's) favour as if executed by him(defacto-complainant) and paid advance therein of 9lakhs and filed O.S.No.26 of 2011 in the Court of Addl. District Judge, Nalgonda, therefrom take action against the petitioner/accused for cheating him by creating a false sale agreement with forgery of his signature and filing a civil case against him based on the forged document.

As referred supra, the alleged sale agreement was dt.08.07.2010. The suit filed in O.S.No.26 of 2011 and obtained status-quo order in I.A.No.550 of 2011 and in 551 of 2011 regarding the property was dt.24.06.2011 and the complaint filed was on 10.09.2016 which clearly shows that there is no cause for

inaction for his non-filing such a report before police or to take any action within limitation but with such a delay of more than 5 to 6 years from the sale agreement with no explanation for delay with any reasons is unsustainable. Apart from it, as the matter is already covered by a civil suit for specific performance on which ground itself there is nothing to survive the registration of the crime after more than 6 years irrespective of there is no limitation for the said offences since punishable more than three years, for the continuation of the crime and investigation is nothing but abuse of process and nothing to subserve the ends of justice but for to wreck vengeance if possible.

Having regard to the above and in the result, the Criminal Petition is allowed by quashing the proceedings in Cr.No.274 of 2016, dt.10.09.2016 on the file of the I Town Police Station, Nalgonda against the petitioner/accused and the petitioner is acquitted. His bail bonds shall sand closed.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:04.10.2017
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