

Criminal Petition No.8729 of 2014

ORDER:

The petitioners are the A.3, A.5 to A.7 among 7 accused in C.C.No.626 of 2014 on the file of the Judicial Magistrate of First Class, Bellampalli, Adilabad district, where the learned Magistrate taken cognizance for the offences punishable u/ sec.417, 423 and 468 r/ w 109 IPC. It was the crime No.44 of 2004 registered on 18.12.2004 outcome of the private complaint of the defacto-complainant-cum-1st respondent referred to police for investigation u/ sec.156(3) CrPC. It is after investigation the police filed final report on 02.04.2005 and against which the defacto-complainant raised a protest and from the protest petition as a private complaint procedure followed by the learned Magistrate and taken cognizance. At the post-cognizance stage, there was a settlement arrived before Lok Adalath with A.4 by the complainant and case against the A.4 was closed leave about subsequently he breathed last as per the submission of both sides.

2. The allegation in the police final report and the cognizance order is right from the report of the defacto-complainant and investigation after compromise before the learned Senior Civil Judge at Asifabad on 29.10.2002 of the dispute civil in nature between the parties that A.1 to A.3 procured a bogus Non Judicial stamp worth Rs.40/- bearing No.5313 dt.31.03.1998 in the name of A.4-Potharajula Rajaram, from the stamp vendor at Mancherial and created forged document by executing an agreement for sale between the complainant and A.1 and A.2. For that A.5 is scribe, A.6 and A.7 are the attestors. The A.1 and A.2 maintained a quash petition before another Bench of this Court and the same was allowed by CrI.P.No.3262 of 2011 dt.18.03.2014, saying the dispute is predominantly civil in nature but for both the allegations, there is no any offence of forgery and cheating that

could be made out from the material on record thereby a fit case for quashing.

3. The A.3 is under warrant but A.1 and A.2 against whom the proceedings were already quashed and against A.4 the matter is compromised. A.3 is no other than father of A.1 and A.2 and there is no role of him but for allegations along with A.1 and A.2 and among others, A.5 to A.7 are the scribe and attestors of the so called documents.

4. Having regard to the above, the proceedings no way survive to continue so far as against the A.3, A.5 to A.7.

5. Accordingly and in the result, the Criminal Petition is allowed by quashing the proceedings in C.C.No.626 of 2014 on the file of the Judicial Magistrate of First Class, Bellampalli, Adilabad district against the petitioners/ A.3, A.5 to A.7. Their bail bonds shall stand closed. Pending miscellaneous petitions, if any, shall stand closed.

Date:29.11.2018
vvr

Dr. JUSTICE B. SIVA SANKARA RAO

