

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION Nos.5125 & 7296 OF 2011

COMMON ORDER:

1. These two Criminal Petitions, under Section 482 of Cr.P.C., are, separately, filed by the Petitioners/A-1 to A-4 seeking to quash the proceedings in Crime No.17 of 2010 on the file of Station House Officer, Malakpet Police Station, Hyderabad District, registered for the offences punishable under Sections 426, 468, 474, 465, 420, 120-B, 508, 506 and 448 of I.P.C.

2. Heard learned counsel for the petitioners, learned Public Prosecutor, appearing for the 1st respondent – State, and learned counsel for the 2nd respondent – *de-facto* complainant.

3. The allegations in the complaint are that A-1, along with her son, is interfering with the peaceful possession of the complainant in the disputed plots, the complainant along with his wife and son, filed suits in O.S. No.968 of 2004, O.S. No.1268 of 2003 and O.S. No.969 of 2004 for perpetual injunction against A-1 and her son on the file of the Court of IX Junior Civil Judge, City Civil Court, Hyderabad. A-1 and her son also filed suit in O.S. No.48 of 2000 for declaration against the complainant, his wife and son, on the file of the Court of IV Senior Civil Judge, City Civil Court, Hyderabad. All these suits were clubbed together and a common judgment was passed by the learned IV Senior Civil Judge, City Civil Court, Hyderabad, on 12.04.2006; wherein, the Suits of the complainant were dismissed and the suit of A-1 was partly decreed. These being the contents of the complaint, it was further alleged that A-1, along with her son, conspired with A-3 and created a false document *i.e.*, notarized sale deed dated 04.02.1989.

4. Learned counsel for the petitioners submits that in the common judgment, dated 12.04.2006, the Court below observed that the complainant – 2nd respondent herein does not have any right to question the sale deed, dated 04.02.1989, since he is not a party to the said sale deed.

5. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioners would result in sheer abuse of process of law.

6. Accordingly, with the above observation, these two Criminal Petitions are allowed and all further proceedings against the Petitioners/A-1 to A-4 in Crime No.17 of 2010 on the file of the Station House Officer, Malakpet Police Station, Hyderabad District, are hereby quashed.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 24.10.2018.
Dsh

T. RAJANI, J



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Date. 24.10.2018

DSH