

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.725 OF 2011

ORDER:

In this criminal petition filed under Section 482 of Code of Criminal Procedure (CrPC), the petitioner/A.1 seeks to quash the proceedings against him in C.C.No.506 of 2007 on the file of the Special Mobile Magistrate, Guntur, registered for the offence under Sections 419, 420, 468, and 471 IPC read with Section 34 IPC.

The charge sheet allegations, briefly, are that A.1 is the resident of Guntur, A.2 is the resident of Amaravathi Mandal and A.3 is the resident of Phirangipuram Mandal. L.W.2 is the husband of L.W.1. L.W.1 joined as a member of Sri Sairam Real Estates, Guntur in 1990 and paid Rs.350/- per month for 30 months in the scheme. A.3 and one Narapa Reddy were the partners of the said firm. Since L.W.1 paid the entire amount, A.3 had executed a regular sale deed for plot No.5 in D.No.379 of Pedapalakaluru Village in 212 square yards vide document No.8276/1991, dated 09.11.1991. Since L.W.1 did not pay the value for 12 square yards of site and the registration charges, the original document was kept with A.3. Later, the said Sri Sairam Real Estates was closed down and L.Ws.1 and 2 forgot to pay the amount and to get their document.

While so, taking advantage of the above facts, A.1 and A.3 made A.2 to impersonate as L.W.1 and sold away the site of 212 square yards stood in the name of L.W.1 to one Chaparla Venkateswara Rao of Guntur and A.2 had executed a regular sale deed in his favour vide document No.1851 of 2003, on 22.04.2003, in the office of L.W.3. A.3 handed over the original link documents i.e., document No.8276/1991 to the said Venkateswara Rao. Knowing about the same, both L.Ws.1 and 2 approached A.1 and A.3, but they gave prevaricative statement and as

such, L.W.1 sent a petition to the Superintendent of Police, Guntur. The police, after investigation, filed charge sheet against the accused.

Having regard to the above facts and also in view of the fact that the charge sheet was already filed and case is registered as C.C.No.506 of 2007, the petitioner/A.1 is given liberty to approach the trial Court and file an application seeking his discharge by putting forth his defence legally permissible to him, in which case, the trial Court shall consider the same and pass appropriate orders on merits expeditiously. The appearance of the petitioner/A.1 before the trial Court is dispensed with except on the occasions, when the trial Court requires his attendance.

The criminal petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed. No costs.

28.06.2018
pln



U.DURGA PRASAD RAO, J