

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.675 of 2018 and 725 of 2018

COMMON ORDER:

Petitioners in Criminal Petition No.675 of 2018 are A.1 to A.3 respectively, and petitioners in Criminal Petition No.725 of 2018 are A.5 & A.6 respectively, in crime No.405 of 2017 of Kothur(M) police station, Cyberabad registered for the offences punishable under Sections 420 and 468 IPC. They filed the respective Criminal Petitions seeking to quash the proceedings in the aforesaid crime in respect of them.

2. Since both the Criminal Petitions are filed seeking to quash the same crime, they are being disposed of by this common order.

3. Heard the learned counsel for the petitioners, the Assistant Public Prosecutor appearing for respondent No.1-State and perused the record.

4. Learned counsel for the petitioners-A.1 to A.3 would contend that petitioner-A.1 was the owner and possessor of land bearing survey No.13 admeasuring Ac.1.04 guntas; survey no. 14 admeasuring Ac.1.03 guntas; survey No.17 admeasuring Ac.2.00 guntas; survey No.22 admeasuring Ac.1.06 guntas; survey No.25 admeasuring Ac.1.08 guntas; survey no.43 part admeasuring Ac.12.00 guntas; survey no.43 part admeasuring Ac.3.00 and survey no.45 admeasuring Ac.5.00 guntas, total Ac.26.21 guntas, all situated at Kothur village & mandal, Mahaboobnagar district; that he derived the property long back, and he was issued pattadar pass books and title deeds; that petitioners-A.2 and A.3 are

nothing to do with the above land; that being the absolute owner and possessor of the land, petitioner-A.1 alienated some part of the land in favour of A.5 and A.6 under registered sale deed for valuable consideration; that the defacto complainant is not concerned with the land in question in survey No.17 admeasuring Ac.2.00 guntas; that there are number of other documents to show that the petitioner-A.1 was absolute owner and he perfected title to convey the same in favour of A.5 and A.6, and ultimately, prayed to quash the impugned proceedings.

5. Learned counsel for petitioners-A.5 and A.6 would contend that petitioners-A.5 and A.6 are *bona fide* purchasers of the land admeasuring Ac.26.21 guntas of the above land from A.1 under registered sale deed dated 14.03.2016 for a valuable consideration of Rs.3.50 crores; that having believed the documents furnished by petitioner-A.1, these petitioners purchased the above land under the registered sale deed and they have nothing to do with the allegations made in the First Information Report; that all the allegations therein are false. Learned counsel for the petitioners-A.5 and A.6 relied on a decision in *Mohammed Ibrahim & others v. State of Bihar & another* ¹ and contended that these petitioners-A.5 and A.6 have neither fabricated any document relating to the subject land nor filed them before any authority, and hence, no *prima facie* case is made out against them for any of the offences alleged, and ultimately, prayed to allow the Criminal Petition.

6. On the other hand, learned Assistant Public Prosecutor opposed the grant of relief sought in the

¹ (2009) 8 Supreme Court Cases 751

Criminal Petitions and contended that the pattadar pass books, title deeds and other revenue records were fabricated by petitioners-A.1 to A.3, and all the documents filed on behalf of petitioner-A.1 are fabricated documents; that the investigating officer conducted a detailed enquiry with the officials concerned with regard to genuineness of the pattadar pass books and title deeds purported to have been issued by the revenue authorities and the enquiry revealed that the authorities have not issued those documents and they are fabricated ones; that the petitioner-A.1 has no title over the land in question and in order to knock away the valuable property and deprive the true owner of his property, petitioner-A.1 along with A.2 and A.3 manipulated and fabricated the documents and sold the property to petitioners-A.5 and A.6, who are also parties to the fabrication of the documents, and prayed to dismiss the Criminal Petitions.

7. In view of the contentions put forth by both sides, the point for determination is whether the proceedings in crime No.405 of 2017 of Kothur (M) police station, Cyberabad are liable to be quashed ?

8. The material on record reveals that petitioner-A.1 said to have executed a registered sale deed bearing dated 14.03.2016 in favour of petitioners-A.5 and A.6 in respect of Ac.26.21 guntas, situated at Kothur village & mandal, Mahaboobnagar district for sale consideration of Rs.3.50 crores. As per the investigation and material collected in this case, certified copies documents of the aforementioned land are not standing in the name of A.1. Copies of the documents filed before this Court i.e. photo copy of pattadar pass book, photo copy of title deed,

proceedings bearing No.B/1124/2016, dated 29.08.2016 purported to have been issued by the revenue authorities concerned, are fabricated and brought into existence in order to knock away the said land from the original owner. The contention of the learned counsel for petitioners-A.5 and A.6 is that the knowledge of the fabrication of subject documents by the said petitioners cannot be taken as true. There is a specific allegation that the petitioners-A.5 and A.6 also shared common intention and knowledge in fabricating the document and also obtained the registered sale deed referred to, above from petitioner-A.1. The facts and circumstances of the case in the judgment of Apex Court in *Mohammed Ibrahim* case (1 supra) are quite different. There are allegations against all the petitioners herein constituting the offences punishable under Sections 420 and 468 IPC. The gravity of the offences is high. Investigation has to go on. At this juncture, it cannot be held the petitioners-A.1 to A.3, A.5 and A.6 are innocent persons. Hence, continuation of the impugned proceedings cannot be said to be abuse of process of court. The Criminal Petitions are devoid of merit and are liable to be dismissed.

9. In the result, the Criminal Petitions are dismissed.

Miscellaneous petitions pending, if any, in the Criminal Petitions shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 30.1.2018
DRK

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

COMMON ORDER

IN

CRIMINAL PETITION Nos.675 of 2018 and 725 of 2018



30.1.2018

DRK