

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1787 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings against them in C.C. No.165 of 2017 pending on the file of the Judicial Magistrate of First Class, Udayagiri, for the offences under Sections 419, 420 and 471 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 3, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. Learned counsel for the petitioners submits that the petitioners are innocent persons and falsely implicated in this case. The sale deed stated to have been fabricated was also cancelled and ultimately prays to dispense with the personal appearance of these petitioners-accused Nos.1 to 3 before the trial Court.

4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioners.

5. The point for determination is:

Whether the impugned proceedings in C.C.No.165 of 2017 are liable to be quashed.

6. As per the records placed before this Court, petitioner-A.1 is the younger brother's son of *de facto* complainant. Petitioner-A.1 hatched a plan to create false documents and cheat the *de facto*

complainant. In that process, by impersonating the *de facto* complainant through an unknown woman got registered a sale deed on 11.05.2009 in respect of an extent of Ac.04.10 cents in Survey No.18/3 situated at Kummarakonduru Village belonging to *de facto* complainant. Thereafter, the said sale deed was implemented in the revenue records and the petitioners-A.1 to A.3 made the revenue authorities believe that the sale deed dated 11.05.2009 is a genuine one. It is submitted that the sale deed dated 11.05.2009 was cancelled by the petitioners-A.1 to A.3 and vague allegations of impersonating and alienating her property and manipulating the entries in the revenue records on the basis of a forged and fabricated document were made against the petitioners.

7. The truth or otherwise of the allegations requires due trial, without which there cannot be a proper decision. The petition is devoid of merits and as such, it is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 05.03.2018

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