

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION Nos.10614 AND 11103 OF 2011

COMMON ORDER:

Both these Criminal Petitions, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), are preferred by the petitioners - accused Nos.1 and 2, respectively, seeking to quash the proceedings in Calendar Case No.132 of 2008 on the file of the II Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar, registered for the offences punishable under Section 468, 471 and 420 read with 34 of the Indian Penal Code, 1860.

2. The learned counsel for the petitioner - accused No.1 would submit that the suit in O.S. No.139 of 2003 on the file of the V Additional District Judge, Ranga Reddy District was filed by the petitioner against respondent No.2 - *de facto* complainant, her daughters and one Srinivasa Murthy Chinthalapati for recovery of money based on promissory note and cheque, and that as a counter-blast, respondent No.2 filed the private complaint before the learned Magistrate against accused Nos.1 and 2.

3. It is submitted by the learned counsel for the petitioner - accused No.2 that accused No.2 entered into an agreement of sale with respondent No.2 in respect of a flat and he paid substantial amount to her, and that since respondent No.2 did not come forward to complete the sale transaction, he filed the suit O.S. No.2171 of 2005 on the file of

the Principal Senior Civil Judge, Ranga Reddy District, for specific performance of agreement of sale.

4. A perusal of the record would show that in the suit filed by the petitioner - accused No.1, by virtue of a petition filed by respondent No.2 under Section 45 of the Indian Evidence Act, 1872, the promissory note and the cheque were sent to Expert, who gave his report opining that there is variation in the hand-writings found on the promissory note and cheque with that of admitted hand-writings, and that based on the said report, respondent No.2 filed a private complaint before the learned Magistrate stating that accused Nos.1 and 2 have forged the promissory note and cheque. From the report of the Expert, it can be understood that there is some foundation for the allegations made by respondent No.2 - *de facto* complainant in the complaint. Hence, this Court opines that it is not safe to quash the proceedings at this stage.

5. Accordingly, both the Criminal Petitions are dismissed.

Consequently, Miscellaneous Petitions, if any, pending in these Criminal Petitions stand closed.

November 26, 2018
Mgr

SMT. T. RAJANI, J