

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.13508 of 2011

ORDER:

This criminal petition is filed, by the petitioner, who is A1, seeking for quash of the proceedings against him in C.C.No.1956 of 2011 on the file of the court of IX Metropolitan Magistrate, Cyberabad, Kukatpally. The offences alleged are under Sections 420, 468 and 471 IPC.

2. Heard the counsel for the petitioner, the counsel appearing for the 2nd respondent as well as the Public Prosecutor appearing for the 1st respondent.

3. The allegations are that the petitioner has forged a sale deed as having been executed by the complainant in his favour and sold the said property to third parties.

4. The counsel for the petitioner submits that a civil suit was filed by the complainant seeking for cancellation of the said sale deed and the same was pending. But a perusal of the complaint shows that the complainant did not have knowledge about the execution of the said sale deed and he alleges that he came to know about the same subsequently.

5. Hence, when such are the allegations and when there is no verdict given by the civil court with regard to the fabrication of the sale deed, this court opines that it is not a fit case for quash of the proceedings.

6. With the above observations, the Criminal Petition is dismissed. However, considering the plea of the petitioner's counsel, that the petitioner is bed ridden since 2006 and he is not in a position to attend the court, the court below is directed not to insist upon the presence of the petitioner, unless it is necessary for the proceedings of the case. Interim stay granted by this court, dated 22.12.2011, in CRLP MP No.15417 of 2011, shall stand vacated. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

November 30, 2018
LMV

T. RAJANI, J

