

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Crl.P.No.10571 of 2011

ORDER

This criminal petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in F.I.R.No.62 of 2011, dated 02.06.2011, on the file of Burgampahad Police Station, Khmammam District.

2. The petitioner is accused, who is alleged to have committed the offences under Sections 420 and 468 IPC as per the contents of the FIR.

3. Heard the arguments of the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submits that the petitioner has not committed any forgery and that there were prior sale transactions between the parties. He further submits that the Tahsildar, who has issued the revenue records, is not the de-facto complainant and therefore, the complaint is not maintainable.

5. Learned Public Prosecutor submits that in view of the allegations made in the complaint, an enquiry has to be conducted in the matter and the question of fact is also involved.

6. Having regard to the submissions of the learned counsel for the petitioner and the learned Public Prosecutor, it is obvious that

the complaint is lodged by the Tahsildar, Burgampahad, making allegations of forgery against the petitioner, Smt Gumpenapalli Sulochana, as she has forged the revenue documents. Since the question of fact is involved in this case, it can be decided only after collecting the evidence and after trial. The question of fact cannot be gone into at the stage of FIR. Since there are allegations of forgery against the petitioner, further investigation shall be conducted in the matter.

7. Learned counsel for the petitioner also submits that the investigation may be continued in this matter by following the procedure under Section 41-A Cr.P.C., by the police.

8. In view of the submission made by the learned counsel for the petitioner, the Criminal Petition is disposed of, directing the police concerned to proceed with the investigation in the matter by following the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹ and the procedure under Section 41-A of Cr.P.C.

9. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

GUDISEVA SHYAM PRASAD, J

9th April, 2018

sj

¹ (2014) 8 SCC 273