

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15619 OF 2016

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), is filed to quash the proceedings in Crime No.36 of 2016 pending on the file of Nallapadu Police Station, Guntur Urban, Guntur District, registered for the offences punishable under Sections 420, 465 and 384 of the Indian Penal Code, 1860 (for short, "I.P.C.").

2. The petitioners are accused Nos.1 to 9 in the said crime and respondent No.2 is the *de facto* complainant, who filed a private complaint before the Magistrate making an allegation that petitioner No.1/A-1 and respondent No.2 entered into a Memorandum of Understanding (M.O.U.), dated 07.01.2013, and Flats allotment document, dated 15.07.2013, executed by petitioner No.1 in favour of respondent No.2 for which A-1 is not at all the original owner of the flats referred in the complaint.

Originally, the *de facto* complainant – Bandla Narasimha Rao acquired property from Komma Rangamma under a registered gift deed bearing No.8596/2002, "A" schedule property is a part of it and the same was given to A-1 for development believing him. The *de facto* complainant executed sale deeds instead of development agreement as A-1 informed the *de facto* complainant that, to get the plan approval for the said property out of Ac.2-00 cents, it was convenient to execute a sale deed in favour of A-1 and all those facts were already informed to A-1 in the registered legal reply

notice, dated 22.06.2015. Later also, another legal notice was given by the *de facto* complainant on 02.07.2015.

Suspecting the conduct of A-1, the *de facto* complainant obtained Encumbrance Certificate through which he came to know that his flats were misused and for the same, a sale deed was executed and mortgage was created to blackmail and to harass him to get unlawful gain in illegal manner by cheating him for which, the accused are held responsible and liable and have to be prosecuted with punishment.

A-1 and A-2 colluded together and created a sale deed, so as to avoid and grab the property of the *de facto* complainant and A-1 also created a mortgage with The Guntur Co-operative Urban Bank Limited, Guntur for the flat of the complainant, which is invalid, for the reason that the said flat was allotted to the *de facto* complainant/respondent No.2 in the development scheme without having any manner of right over the schedule property. It is submitted that all the accused were already informed by legal notice, dated 02.07.2015, along with a copy of reply notice, dated 22.06.2015, that A-1 cheated the *de facto* complainant and created documents in collusion with all the accused to get unlawful gain by creating title over the property of the *de facto* complainant in violation of agreed terms and conditions in the documents, dated 07.01.2013 and 15.07.2013.

It is submitted that it is a clear conspiracy of all the accused as A-2 is the friend of A-1, A-3 is the relative of A-1, A-4 and A-5 are the near and dear to A-1/petitioner No.1 and all the accused,

with full knowledge, conspired to cheat the *de facto* complainant/respondent No.2, illegally created documents and fabricated them for unlawful gain, hence, the *de facto* complainant requested the Court to take cognizance of offences and punish the petitioners for the above offences.

He also furnished Schedules – A and B along with the complaint.

3. The Magistrate referred the case to the police exercising power under Section 156(3) Cr.P.C. and on receipt of reference, the Nallapadu Police, Guntur Urban registered a case for the offences punishable under Sections 420, 465 and 384 I.P.C.

4. At this stage, the petitioners/A-1 to A-9 approached this Court to quash the proceedings on the ground that the very filing of the private complaint and referring to police exercising the power under Section 156(3) Cr.P.C. is an abuse of process of Court; that the M.O.U., dated 07.01.2013, executed by the *de facto* complainant in favour of petitioner No.1, and allotment deed, dated 15.07.2013, were cancelled; that a suit O.S.No.609 of 2015 is pending before the competent Court and none of the allegations in the complaint constitutes any offences punishable under Sections 420, 465 and 384 I.P.C. and prayed to quash the proceedings in Crime No.36 of 2016 registered for the offences punishable under Sections 420, 465 and 384 I.P.C.

5. Sri Challa Ajay Kumar, learned counsel for the petitioners, would contend that the dispute is with regard to development and

allotment of flats by A-1, its cancellation in view of the M.O.U., and the same is also pending before a competent Court in O.S.No.609 of 2015 for appropriate relief and thus, respondent No.2/*de facto* complainant gave cloak of criminal nature to the civil dispute and it is nothing but an abuse of process of Court; that Bandla Narasimha Rao/respondent No.2 himself filed L.A.C.No.1877 of 2015 before the District Legal Services Authority, Guntur, which was closed for non-appearance, and later, there was legal correspondence between the parties with regard to the rights in the properties, development agreement, allotment of flats etc., which is the subject matter of the suit referred above, and when the civil suit is pending, filing of private complaint is nothing but abuse of process of Court and hence, prayed to quash the proceedings against the petitioners for the offences registered under Sections 420, 465 and 384 I.P.C. in Crime No.36 of 2016 of Nallapadu Police Station, Guntur Urban.

6. Sri Ch.R.K.Purushothama Sarma, learned counsel for respondent No.2, would contend that the allegations made in the complaint, accepting on its face value, would constitute offences punishable under Sections 420, 465 and 384 I.P.C. and when the investigation is at the threshold, the proceedings against these petitioners in Crime No.36 of 2016 cannot be quashed in view of the law declared by the Apex Court in ***State of Haryana v. Bhajan Lal***¹. It is also contended that the correspondence between the parties by registered post is sufficient to conclude that

¹ 1992 Supp (1) SCC 335

petitioner No.1, in collusion with petitioner No.2, created mortgage over the flat allotted to respondent No.2/*de facto* complainant in favour of Guntur Co-operative Urban Bank and creation of such mortgage is nothing but cheating respondent No.2/*de facto* complainant, therefore, A-1 and A-2 cannot be exonerated from their criminal liability. Even assuming for a moment that creation of mortgage in favour of the said Bank is in compliance with the terms and conditions of sanction of plan, the property allotted to petitioner No.1 for development ought not to have been mortgaged with the bank, which created a legal obligation on the property to discharge the debt due, and in such circumstances, the petitioners are liable to be proceeded for the offences punishable under Sections 420, 465 and 384 I.P.C., prayed to dismiss the petition.

7. Upon considering the rival contentions and perusing the material available on record, the point that arises for consideration is:

“Whether the allegations in the complaint, which is the subject matter of Crime No.36 of 2016 on the file of Nallapadu Police Station, Guntur Urban, Guntur District, if accepted on its face value, constitutes any offences punishable under Sections 420, 465 and 384 I.P.C., if not, whether the proceedings against these petitioners are liable to be quashed?”

8. **POINT:-** A bare look at the allegations made in the complaint disclose that there was a M.O.U., dated 07.01.2013, for development of site by A-1 and Flats allotment document, dated 15.07.2013, was executed by A-1 in favour of the *de facto* complainant, but A-1 and A-2 allegedly created a sale deed for the

same flat and mortgaged with Guntur Co-operative Urban Bank Limited, i.e., the flat of the *de facto* complainant/respondent No.2 herein. The said mortgage is invalid for the very reason that the flat was allotted to the *de facto* complainant in the development scheme. The allegations made against the other accused in para No.6 are extracted hereunder:

“It is submitted that it is a clear conspiracy of all the accused as Accused No.2, is the friend of Accused No.1, and Accused No.3 is the relative of Accused No.1, No.4 and 5 accused are the near and dear persons of Accused No.1 and also all the accused are having sufficient knowledge about the cheating of the complainant by No.1 of the accused, knowingly well the illegal creation of documents, fabrication of the same to get unlawful gain was taken place conspiring together all the accused for which the complainant is taken necessary legal steps to prosecute and to punish them.”

9. The para extracted above, at best, disclose that A-2 is the friend of A-1, and A-1 and A-2 created a sale deed to grab the property of the *de facto* complainant i.e., the flat allotted to respondent No.2 for development in terms of the M.O.U., but the allegations made against A-3 to A-9 are cryptic and except making an allegation that they conspired together, there is absolutely nothing to conclude *prima facie* that they also directly or indirectly participated in commission of offences alleged. Therefore, in the absence of any material against A-3 to A-9, proceeding to investigate against them is nothing but abuse of process of Court. Merely A-3 is a relative of A-1, A-4 and A-5 are the near and dear persons of A-1, without any allegation against the other accused A-6 to A-9, the *de facto* complainant filed a complaint. As the case

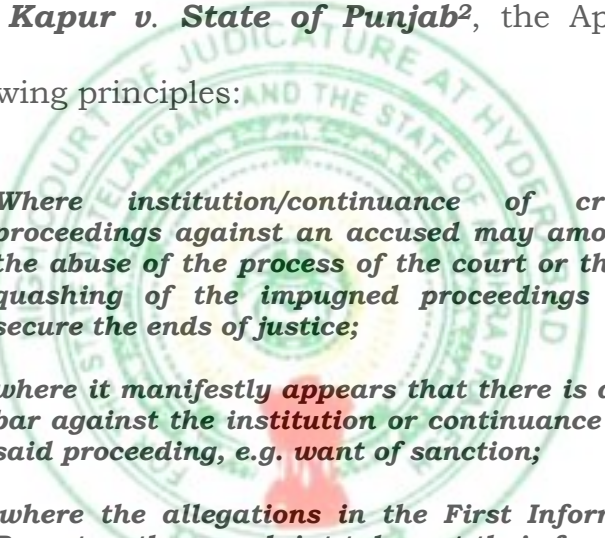
was referred by exercising power under Section 156(3) Cr.P.C., to the police concerned by the Magistrate, registration of a crime even without any allegation and material in support of it against the petitioners 3 to 9 i.e., A-3 to A-9 is nothing but abuse of process of Court and in such a case, the Court can exercise its power under Section 482 Cr.P.C. Apart from that, creation of mortgage by A-1 in favour of the Guntur Co-operative Urban Bank Limited by executing a sale deed in favour of A-2 constitute an offence of fraud under Section 420 I.P.C. at its face value, but A-2, who is the purchaser of the property, cannot be made liable for the offence punishable under Section 420 I.P.C. Therefore, there is absolutely nothing against petitioner Nos.2 to 9 to conclude that they committed any offence basing on the allegations made in the private complaint filed by the *de facto* complainant, which was referred to the police by exercising power under Section 156(3) Cr.P.C.

10. Yet, another contention raised by the learned counsel for the petitioners is that when the dispute is with regard to immovable property pertaining to M.O.U and allotment of flats and a civil suit is pending before a competent Court in O.S.No.609 of 2015, filing of a private complaint is nothing but abuse of process of the Court. In such a case, the Court can exercise power when civil proceedings are given colour or flavour of criminal, as it amounts to abuse of process of Court. Therefore, the Court can exercise its power under Section 482 Cr.P.C. to quash the proceedings in

Crime No.36 of 2016 registered for the offences punishable under Sections 420, 465 and 384 I.P.C.

11. The power of this Court under Section 482 Cr.P.C. can be used sparingly in exceptional circumstances since such power is conferred on the High Court only to implement the orders passed under the Court or to prevent the abuse of process of Court or to meet the ends of justice.

12. In ***R.P. Kapur v. State of Punjab***², the Apex Court laid down the following principles:

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- “(i) Where institution/continuance of criminal proceedings against an accused may amount to the abuse of the process of the court or that the quashing of the impugned proceedings would secure the ends of justice;***
 - (ii) where it manifestly appears that there is a legal bar against the institution or continuance of the said proceeding, e.g. want of sanction;***
 - (iii) where the allegations in the First Information Report or the complaint taken at their face value and accepted in their entirety, do not constitute the offence alleged; and***
 - (iv) where the allegations constitute an offence alleged but there is either no legal evidence adduced or evidence adduced clearly or manifestly fails to prove the charge.”***

13. Section 482 Cr.P.C. empowers the High Court to exercise its inherent power to prevent abuse of the process of Court. Any proceedings instituted on a complaint, exercise of the inherent power to quash the proceedings is called for only in cases where the complaint does not disclose any offence or is frivolous, vexatious or oppressive. If the allegations set out in the complaint

² AIR 1960 SC 866

do not constitute the offence of which cognizance is taken by the Magistrate, it is open to the High Court to quash the same in exercise of the inherent powers under Section 482 Cr.P.C. It is not, however, necessary that there should be a meticulous analysis of the case before the trial to find out whether the case would end in conviction or not. The complaint has to be read as a whole. If it appears, on a consideration of the allegations in the light of the statement on oath of the complainant, that the ingredients of the offence/offences are disclosed and there is no material to show that the complaint is *mala fide*, frivolous or vexatious, in that event, there would be no justification for interference by the High Court, as held by the Apex Court in ***Mrs.Dhanalakshmi v. R.Prasanna Kumar***³.

14. In ***State of Haryana v. Bhajan Lal*** (referred supra), the Apex Court considered in detail the powers of High Court under Section 482 Cr.P.C. and the power of the High Court to quash the criminal proceedings or F.I.R. The Apex Court summarized the legal position by laying down the following guidelines to be followed by High Courts in exercise of their inherent powers to quash a criminal complaint:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a

³ AIR 1990 SC 494

cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non- cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

15. The powers of this Court at the stage of F.I.R. are limited and this Court can verify the F.I.R. and other material, if any, produced before the Court and decide whether such allegations would constitute any offence, but this Court cannot appreciate the evidence and cannot record whether the allegations would constitute any specific offence or not.

16. In **Ghanshyam Sharma v. Surendra Kumar Sharma**⁴, the Apex Court held that the High Court cannot decide the provision under which the offence falls; it may be under the provisions cited in the impugned charge sheet or under the provision High Court felt was attracted, but it is for the trial Court to decide that on the evidence produced before it.

17. In another judgment in **Umesh Kumar v. State of Andhra Pradesh**⁵, the Apex Court is of the view that at the stage of exercising power under Section 482 Cr.P.C., the High Court could examine the charge sheet, case diary and other material in the charge sheet which by no means can be termed as substantive evidence. However, in exercise of power under Section 482 Cr.P.C., it is not permissible for the High Court to appreciate the evidence as it can only evaluate material documents on record to the extent of its *prima facie* satisfaction about the existence of sufficient ground for proceedings against the accused and the Court cannot look into materials, the acceptability of which is essentially a matter for trial. By applying the principles laid down in the judgments referred supra, the Court has to examine the facts of the case and decide.

18. Undisputedly, investigation in the present case is at the fetus stage. In such a case, it is difficult to quash the proceedings

⁴ (2014) 13 SCC 401

⁵ (2013) 10 SCC 591

as held in ***State of Orissa v. Saroj Kumar Sahoo***⁶ wherein the Apex Court held that the inherent powers under Section 482 Cr.P.C. should not be exercised by the High Court to stifle a legitimate prosecution. The High Court, being the highest Court of a State, should normally refrain from giving a *prima facie* decision in a case where the entire facts are incomplete and hazy more so, when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceedings at any stage. While exercising jurisdiction under Section 482 Cr.P.C., it is not permissible for the Court to act as if it was a trial Court. Even when charge is framed at that stage, the Court has to only *prima facie* be satisfied about existence of sufficient ground for proceeding against the accused. For that limited purpose, the Court can evaluate material and documents on records but it cannot appreciate evidence. The Court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused.

19. In ***Kurukshetra University v. State Of Haryana***⁷, the Supreme Court took a serious view about quashing the

⁶ (2005) 13 SCC 540

⁷ AIR 1977 SC 2229

proceedings by the High Court while exercising power under Section 482 Cr.P.C and observed as follows:

“It surprises, us in the extreme that the High Court thought that in the exercise of its inherent powers under Section 482 of the CrPC, it could quash a First Information Report. The police had not even commenced investigation into the complaint filed by the Warden of the University and no proceeding at all was pending in any court in pursuance of the F.I.R. It ought to be realized that inherent powers do not confer an arbitrary jurisdiction on the High Court to act according to whim or caprice. That statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases.”

But there is a little conflict between the two judgments including ***Kurukshetra University v. State Of Haryana*** (referred supra), ***State of Orissa v. Saroj Kumar Sahoo*** (referred supra) and the judgments of the Supreme Court in ***State of Haryana v. Bhajan Lal*** (referred supra) and ***R.P. Kapur v. State of Punjab*** (referred supra), but ***State of Haryana v. Bhajan Lal***'s judgment is a leading judgment on the powers of the High Court to quash the proceedings. As per guideline No.4, if the allegations in the complaint accepting on its face value do not constitute any offence, the Court can execute power under Section 482 Cr.P.C. to quash the proceedings.

20. The offence allegedly committed by the petitioners is punishable under Section 420 I.P.C. Section 420 I.P.C. deals with punishment for cheating and dishonestly inducing delivery of property. Cheating is defined under Section 415 of I.P.C.

“415. Cheating:- Whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".”

21. The essential ingredients required to constitute the offence of cheating are:

- (i) There should be fraudulent or dishonest inducement of a person by deceiving him;***
- (ii) (a) The person so deceived should be induced to deliver any property to any person, or to consent that any person shall retain any property; or (b) The person so deceived should be intentionally induced to do or omit to do anything which he would not do or omit if he were not so deceived; and***
- (iii) In cases covered by (ii) (b), the act or omission should be one which causes or is likely to cause damage or harm to the person induced in body, mind, reputation or property.***

22. In ***V.Y.Jose v. State of Gujarat***⁸, the Apex Court held as under:

“An offence of cheating cannot be said to have been made out unless the following ingredients are satisfied:

(i) deception of a person either by making a false or misleading representation or by other action or omission;

(ii) fraudulently or dishonestly inducing any person to deliver any property; or

(iii) To consent that any person shall retain any property and finally intentionally inducing that person to do or omit to do anything which he would not do or omit.

⁸ (2009) 3 SCC 78

For the purpose of constituting an offence of cheating, the complainant is required to show that the accused had fraudulent or dishonest intention at the time of making promise or representation. Even in a case where allegations are made in regard to failure on the part of the accused to keep his promise, in absence of a culpable intention at the time of making initial promise being absent, no offence under Section 420 of the Indian Penal Code can be said to have been made out.

An offence of cheating may consist of two classes of cases:

(1) where the complainant has been induced fraudulently or dishonestly. Such is not the case here;

(2) When by reason of such deception, the complainant has not done or omitted to do anything which he would not do or omit to do if he was not deceived or induced by the accused.”

23. From a bare reading of Section 420 I.P.C. and the law laid down in **V.Y.Jose v. State of Gujarat** (referred supra), it is clear that to constitute an offence of cheating, there must be cheating and dishonest inducement of a person, who defrauded to part with any property or valuable security believing such representation, but here, in the present case, the dispute is with regard to contractual terms between petitioner No.1/A-1 and respondent No.2/*de facto* complainant with regard to development of immovable property. Unless the *de facto* complainant made an allegation in the complaint that A-1 had an intention to defraud the *de facto* complainant with a dishonest intention at the inception, petitioner No.1 or petitioner No.2 cannot be proceeded for the offence punishable under Section 420 I.P.C. Mere developing intention to cheat subsequent to entering into the development agreement would not constitute an offence

punishable under Section 420 I.P.C. Therefore, the allegations made in the complaint do not constitute an offence punishable under Section 420 I.P.C. even if the allegations made in the complaint are accepted at its face value.

24. The other offence allegedly committed by these petitioners is punishable under Section 465 I.P.C. Section 465 I.P.C. deals with punishment for forgery. The word “forgery” is defined under Section 463 I.P.C. as follows:

“Whoever makes any false documents or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery”.

25. In **Sushil Suri v. Central Bureau of Investigation⁹**, the Supreme Court discussed about the basic elements that constitute forgery as:

- “(1) the making of a false document or part of it and
(2) such making should be with such intention as is specified in the section***
- a. to cause damage or infringe to***
 - i. the public, or***
 - ii. any person, or***
 - b. to support any claim or title; or***
 - c. to cause any person to part with property, or***
 - d. to cause any person to enter into an express or implied contract; or***
 - e. to commit fraud or that fraud may be committed.”***

⁹ AIR 2011 SC 1713

26. In the present case on hand, petitioner Nos.1 and 2 created a mortgage over the property allotted to the share of respondent No.2/*de facto* complainant allegedly in favour of Guntur Co-operative Urban Bank Limited, Guntur by executing a sale deed in favour of A-2 by A-1, but respondent No.2 did not produce any material to show that the flat, which was mortgaged in favour of the Guntur Co-operative Urban Bank Limited, fell to the share of the *de facto* complainant, but produced a copy of sale deed to show that the sale deed was executed by Bandla Narasimha Rao/ respondent No.2, appellant in favour of K.P. Estate conveying title to the property for an extent of 6671 sq.yards within the boundaries mentioned in the document. The allotment letter, at best, disclose that a flat was allotted to the share of respondent No.2/*de facto* complainant. In the ground floor, no flat was allotted but in the 1st, 2nd, 2nd, 3rd and 4th floors, certain flats were allotted bearing Nos.D, B, C, ABCD and A respectively with specific extents mentioned in the document, but the mortgage allegedly created in favour of the aforesaid bank is not against anyone of the items allegedly allotted to the share of respondent No.2 is not specific in the complaint. In any view of the matter, according to the petitioners, the M.O.U. and consequential allotment of flats in favour of respondent No.2 are cancelled and a suit is pending. Therefore, the dispute is purely civil in nature and the same is converted into criminal. Consequently, such proceedings against the petitioners cannot be continued and this Court can exercise power under Section 482 Cr.P.C. to prevent the abuse of process of

the Court. Therefore, by applying the principles laid down in **R.P. Kapur v. State of Punjab and State of Haryana v. Bhajan Lal** (referred supra), I find that when the allegations made in the complaint do not constitute the offence punishable under Section 465 I.P.C., filing of private complaint and reference to the police by exercising power under Section 156(3) Cr.P.C. by the Magistrate and registration of the crime is nothing but abuse of process of Court and to wreck vengeance against petitioner No.1 due to pending civil disputes between petitioner No.1 and respondent No.2/*de facto* complainant.

27. The third offence allegedly committed by the petitioners is under Section 384 I.P.C. Section 384 I.P.C. deals with punishment for extortion. The word "Extortion" is defined under Section 383 I.P.C. The definition of "Extortion" is extracted hereunder for better appreciation:

"Extortion.—Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion".

28. In the present case, none of the ingredients constitute an offence punishable under Section 384 I.P.C. and therefore, the proceedings against the petitioners for the offence punishable under Section 384 I.P.C. are also liable to be quashed. As the allegations made in the complaint, even if accepted at its face value

to be true and correct, those allegations do not constitute the offence punishable under Section 384 I.P.C.

29. In view of my foregoing discussions, I find that the allegations made in the complaint do not constitute the offences punishable under Sections 420, 465 and 384 I.P.C. and filing of a complaint against the petitioners for the offences punishable under the said sections is nothing but abuse of process of Court, as a civil dispute is already pending before a competent Court, and that the complaint is filed to wreck vengeance against the petitioners. Therefore, it is a fit case to quash the proceedings against the petitioners.

30. In the result, this Criminal Petition is allowed quashing the proceedings in Crime No.36 of 2016 on the file of Nallapadu Police Station, Guntur Urban, Guntur District for the offences punishable under Sections 420, 465 and 384 I.P.C.

31. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE M.SATYANARAYANA MURTHY

Date:06.07.2018
AMD

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



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