

SMT JUSTICE T.RAJANI

CRIMINAL PETITION Nos.9183, 10204, 11280, 11136,
11137, 11138 and 11139 of 2011

COMMON ORDER:

CRLP.Nos.9183, 11280, 11136, 11137, 11138 and 11139 of
2011:

These petitions are filed seeking for quash of the proceedings in C.C.No.48 of 2008 on the file of the court of II Additional Judicial Magistrate of First Class at Rajahmundry against the petitioners, who are A1, A6 and A8 respectively and in C.C.Nos.89 of 2009; 88 of 2009; 90 of 2009; 86 of 2009; and 87 of 2009 on the file of the court of V Additional Judicial Magistrate of First Class, Rajahmundry against the petitioners, who are A14, A3 and A6 respectively. The offences alleged are under Sections 120-B, 419, 465, 468, 420 read with 34 IPC.

2. Heard the counsel for the petitioners, the Public Prosecutor appearing for the 1st respondent and the counsel for the second respondent.

3. The counsel for the petitioners reported that A6-Madireddy Lakshmi Narayana @ Chinna expired and he filed a death certificate to that effect. The case against A6 stands abated and the further proceedings need to be quashed.

4. As regards A1 and A8, there are specific allegations A8 is stated to be a broker to whom the complainants handed over the xerox copies of their title deeds pertaining to their property and A8 kept the copies of the sale deeds for three months and returned to the complainants.

5. It is alleged that even at that time, though the complainants found that the properties are not in their name but are sold away to third parties, they did not enquire about the same and that later when some other persons approached them and expressed their intention to purchase the property, they found that the properties were executed in the name of the third parties by way of fabrication of sale deeds.

6. Hence, from the above, it can be *prima facie* understood that A8 also had some role in the entire episode of fabrication of sale deeds. Hence, in view of the said allegations, this court opines that the proceeding against the petitioners cannot be quashed.

CRLP.No.10204 of 2011:

7. Though the allegations in this petition are also similar, the counsel for the petitioner submits that based on two complaints, given by the complainant, a common charge sheet is filed, but in the complaint, dated 15.09.2005, the name of A8 does not find place.

8. A perusal of the said complaint shows that the broker in the said case is one Gabrial. But since a common charge sheet is filed, a direction can be given to the lower court to consider the said fact while framing charges against the petitioner and the court shall not frame any charge against the petitioner in respect of the allegations made in the complaint, dated 15.09.2005.

9. Hence, considering that the petitioner involved himself in similar transactions wherein subsequent fabrication of the documents has taken place, this court opines that it is not safe to quash the proceedings at this stage.

With the above observations above, the Criminal Petitions are dismissed. Interim stay granted by this court in CRLP MP No.1005 of 2011 in CRLP No.9183 of 2011, dated 10.10.2011; CRLP MP No.11225 of 2011 in CRLP No.10204 of 2011, dated 21.10.2011; CRLP MP No.12610 of 2011 in CRLP No.11280 of 2011, dated 14.11.2011; CRLP MP No.12439 of 2011 in CRLP No.11136 of 2011, dated 11.11.2011; CRLP MP No.12442 of 2011 in CRLP No.11139 of 2011, dated 11.11.2011; CRLP MP No.12440 of 2011 in CRLP No.111137 of 2011, dated 11.11.2011; CRLP MP No.12441 of 2011 in CRLP No.11138 of 2011, dated 11.11.2011.

As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE T. RAJANI

October 23, 2018
LMV