

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.6614 of 2011

ORDER:

This Criminal Petition is filed under section 482 of Cr.P.C., seeking to quash the FIR No.520 of 2010, dated:25-10-2010 on the file of the Police Station, Chandanagar, Cyberabad, for the offences under sections 419, 420, 468 and 471 IPC.

2. The contention of the petitioner who is arrayed as A2 is that the complainant has already sold out huge properties to the share of petitioner and his family members, as the petitioner and respondent No.2 are relatives. The petitioner and other accused kept quiet as all the accused are settled and having good properties. Actually, the disputed land is purchased by Ch.Pattabhi Rama Rao and Ch. Manohar Rao under registered sale deed dated:31-1-1981 and it is not the property of joint family or any temple. The title of the said land is vested with the petitioner and his family members. But, without any documentary evidence, simply complaint was lodged against all the family members of the petitioner. Basing on the said complaint, the police called the petitioner and his family members in the month of October, 2010 and after showing the documentary evidence, the police kept quiet for almost six months. Now, for the reasons best known to them, they are calling the petitioner frequently in spite of informing about the civil litigation. The dispute is purely civil in nature and there is no cheating or fraud played by the accused. The police are threatening that they will arrest the petitioner and his other family members.

3. Per contra, the learned Public Prosecutor submitted that there is specific overt act attributed to the petitioner in the complaint and there is prima facie material to prosecute.

4. Now, the point that arises for determination is as under:

“Whether there is prima facie material to proceed against the petitioner?”

A perusal of the complaint in Crime No.520 of 2010, dated:25.10.2010 go to suggest that basing on the complaint of respondent No.2, a case was registered vide Cr.No.520/2010, under section 429, 420, 468 and 471 IPC. In view of the stay orders granted in Criminal Petition M.P. No.6789 of 2011 in CRLP.No.6614 of 2011, dated:4.8.2011, the investigation could not be proceeded. The allegations in the complaint are that on 25-10-2010 at 15.45 hours, a complaint was given alleging that prior to the accused persons noted were cheated the complainant by creation of forged documents No.14302, 14303, 13684 and 129453 of 2007 pertaining to plot Nos.72, 73, 74, 75 and 66 in Sy.Nos.10, 11 and 12 of Kancha Gachibowli, Sherilingampally which belongs to complainant and accused persons have colluded and fabricated the sale deeds. In the Quash Petition, at para No.2, it is stated that actually the complainant-respondent No.2 has sold out huge properties which belongs to the share of the petitioner and his family members, as the petitioner and respondent No.2 are relatives.

5. The petitioner and other accused kept quiet as all the accused are settled and having good properties, which clearly show that the petitioner never disputed the sale deeds executed by the respondent No.2 and now they are disputing the act of respondent No.2. There is a specific overt act against the petitioner in the complaint that they have cheated by creating

forged documents No.14302, 14303, 13684 and 129453 of 2007 pertaining to plot Nos.72, 73, 74, 75 and 66 in Sy.Nos.10, 11 and 12 of Kancha Gachibowli, Sherilingampally.

6. As already discussed above, the allegations in the complaint clearly show *prima facie* material and specific overt acts against the petitioner to prosecute him for the alleged offences. No material is placed to establish any abuse of process of Court and no prejudice will be caused to the respondent/s. Hence, I find no ground to quash the impugned proceedings in FIR No.520 of 2010, dated:25.10.2010 on the file of the Police Station, Chandanagar, Cyberabad, for the offences under sections 419, 420, 468 and 471 IPC.

7. In the result, the Criminal Petition is dismissed. The stay orders granted in Criminal Petition M.P. No.6789 of 2011 in CRLP.No.6614 of 2011, dated:4.8.2011 stands vacated.

8. Consequently, Miscellaneous Petitions, if any, pending, shall stand vacated.

JUSTICE N. BALAYOGI

Dated:05-2-2018

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