

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.1777 OF 2013

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused No.1 seeking to quash the proceedings in C.C. No.602 of 2011, pending on the file of the Court of VIII Additional Chief Metropolitan Magistrate, City Criminal Courts at Nampally, Hyderabad (for short, 'the trial Court'), registered for the offences punishable under Sections 406, 420, 465, 468 and 120-B R/w.34 of I.P.C.

2. Heard learned counsel for the petitioner, learned Public Prosecutor, appearing for the 1st respondent – State, and learned counsel for the 2nd respondent – de-facto complainant.

3. The allegations in the complainant are that the complainant being owner of the disputed house situated at Mugalpura, Hyderabad, which is acquired from his father under the gift deed, and also the lands situated in the Medak District, leased out the said lands to one Mir Dawood Ali. Subsequently, in the year 1970, he mortgaged the aforesaid house bearing No.23-2-103, situated at Mugalpura, with A-1 by depositing the house documents and handed over vacate physical possession of the property to her. Later, the complainant came to know that A-1 by fraudulent means transferred the said house in her name and also instigated A-2 to file a false suit. Then, the complainant filed mortgage suit in O.S. No.1042 of 2010; wherein A-1 alleged that there was a suit in O.S. No.1932 of 2001 got filed by A-2 against the complainant and A-1, A-7 and A-8. A-1 alleged that A-4 filed vakalath on behalf of the complainant but did not file written statement therein. On enquiry, the complainant came to know that A-3 who is known as *khanoon ka keeda* in his circle, with criminal conspiracy got engaged A-4 and caused forged signature on the vakalath and as such A-4 knowing fully about the fraud, without any authorization filed vakaalth in O.S. No.1932 of 2001.

4. The allegation so far as the petitioner herein is concerned is that he got the sale deed forged and mutated the land in her name. But the fact remains that

sale deed was prior to 19-11-1962 and the mortgage was in fact done by the father of the complainant and the father of the complainant is the vendor of the said property in favour of the petitioner herein.

5. On the face of it the allegations seem to be very vague. The sale deed, which was executed in the year 1962, cannot be held to be a forged document as there is no other specific allegation made in the complaint except that the said deed is forged document. Moreover, when the document is as old as the one executed in 1962, the role of forgery of this petitioner after such a long time cannot be appreciated. It appears that only in order to settle the scores in the civil disputes, this complaint is filed with the false allegations.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the Petitioner would result in sheer abuse of process of law.

7. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioner/A-1 in C.C. No.602 of 2011, pending on the file of the Court of VIII Additional Chief Metropolitan Magistrate, City Criminal Courts at Nampally, Hyderabad, are hereby quashed.

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

Date: 13.12.2018.
Dsh

T.RAJANI, J

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Date. 13.12.2018

DSH