

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.15704 of 2014

ORDER :

The petitioner is A.2 in Crime No.105 of 2014 of Marripadu (D.C.Palli) Police Station, SPSR Nellore District, registered for the offences punishable under Sections 419, 420 and 468 read with 34 IPC.

2. It is based on the allegation from the report of the 2nd respondent/*de facto* complainant that at the instigation of A.1 he entered agreement of sale, dated 27.10.2010, to purchase Ac.32.00 gts. of land at Rajupalem village having paid Rs.4,00,000/- in advance to the owners A. Srinivasulu and others and on 25.04.2012 A.1 along with others went to the Sub-Registrar Office and stated the persons standing before the Sub-Registrar have sold the property and based on the forged ration card produced, the document was registered and later when asked by the *de facto* complainant, the Sub-Registrar did not give proper reply and it is averred that had the Sub-Registrar properly verified the registration of the sale deeds and revenue records and existence or not of the persons it could be revealed. Even taken from the First Information Report averments on its face value, there is no offence of cheating or forgery or forgery for the purpose of cheating to attract any of the penal Sections 420, 419, and 468 IPC and at best the allegations attracts only a negligence of the Sub-Registrar. A mere negligence will not constitute any criminal offence, that too for the offence of cheating there must be dishonest

intention from the inception to cheat. In the absence of which, the very registration of the crime against the petitioner/Sub-Registrar for the mere registration of a document no way sustain. However, it is clear, while allowing the criminal petition and quashing First Information Report against her, that in the course of investigation if at all revealed from the investigation any specific role of her to attract any of the penal offences, the police are entitled in the course of investigation to re-include her as co-accused.

3. With the above observations, the criminal petition is allowed quashing the proceedings against the petitioner/A.2 in Crime No.105 of 2014 of Marripadu Police Station, SPSR Nellore District. The bail bonds of the petitioner/A.2 shall stand cancelled.

4. Miscellaneous petitions pending, if any, shall stand closed.

23rd October 2018.

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Dr. B. SIVA SANKARA RAO, J