

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No. 6669 OF 2011

ORDER:

1. This Criminal Petition under Section 482 Cr.P.C. is filed to quash the proceedings initiated against the petitioner/A.6 in Crime (FIR) No. 80 of 2011 dated 8.7.2011 on the file of Station House Officer, Police Station, Khanapur, Adilabad District.

2. It is the contention of the petitioner that the petitioner issued residence certificate in favour of A.1 and on the strength of the same, A.1 executed the registered sale deed. It is his case that he does not know the execution of the registered sale deed by A.1 on the strength of the said residence certificate. There is no specific overt act attributed against the petitioner who is working as Village Revenue Officer. It is further contended that as usual in the month of July, 2010, A.1-Ambati Rajeshwar requested the petitioner/A.6 for issuance of residence certificate and on that, after verifying his residence at Patha Yellapur, he issued the residence certificate accordingly vide Rc.No.63/2010 dated 3.8.2010. The names of Rekspendent.2/defacto complainant/Ambati Raj Kumar and Accused No.1/Ambati Rajeshwar are almost similar; therefore the petitioner did not find any difference and under the impression that the person who approached was Ambati Raje kumar issued residential certificate. He further contended that he is the Government employee and if he is arrested, he may be placed under suspension.

3. On the other hand, it is submitted by the learned Assistant Public Prosecutor that the petitioner in collusion with other accused created a false certificate and based on the same, the other accused execute sale deed fraudulently to deceit the second respondent and therefore there is prima facie material to prosecute the petitioner and sought for dismissal of the Criminal Petition.

4. Now the point that arises for determination is, *whether the second respondent abused the process of Court and whether there is prima faice material to prosecute the petitioner.*

5. A perusal of the record goes to suggest that the second respondent is the owner and possessor of the agricultural land admeasuring Ac.0.32 guntas in Sy.No.59/2 of Patha Yellapur Village, Khanapur Mandal, Adilabad District. On 16.6.2011 he came to know that all the accused in collusion created a registered sale deed bearing Document No.1252 of 2010 dated 12.8.2010 by cheating, impersonation and misleading the public authorities and also by creating public record in favour of A.2. Immediately the second respondent filed an application for certified copy of the aforesaid sale deed and on verification, he came to know that A.1 executed a registered sale deed by impersonation in favour of A.2 by giving false statements before the public authorities with a view to knock away the valuable property of the complainant/R.2.

6. There is specific overt act attributed against A.6 who had created a false certificate by misusing his powers as a public servant, namely Village Revenue Officer, Patha yellapur Village and issued a certificate in the name of A.1 by attesting his photo on the certificate containing the particulars of the complainant/R.2. Accordingly the petitioner being a public servant created a false document with an intention to cause injury and damage to the complainant.

7. On the strength of the certificate issued by the petitioner/A.6 and by using the false certificate as true certificate, Accused Nos.1 and 2 misguided the public authorities and knowing fully furnished the false information for execution of the aforesaid registered sale deed. The petitioner along with other accused having knowledge about the descriptive particulars of the second respondent actively participated in creating the forged document by impersonation.

8. For the foregoing facts and circumstances discussed hereinabove, I am of the considered opinion that there is specific overt act attributed against the petitioner/A.6 who in collusion with other accused issued false residence certificate to A.1 for execution of sale deed fraudulently and he has participated in cheating and creating forged document to which A.1 impersonated the second respondent and created sale deed. Thus there is specific overt act attributed against the petitioner. There is nothing to suggest in the Criminal Petition that the second

respondent has abused the process of Court and caused prejudice to the petitioner. In view of the same, I find no ground, much less a valid and substantial ground to quash the impugned proceedings initiated against the petitioner.

9. In the result, the Criminal Petition is dismissed.

10. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

DATED 5<sup>TH</sup> FEBRUARY, 2018.  
Msnrs<sub>x</sub>

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*JUSTICE N. BALAYOGI*

