

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2773 of 2013

ORDER:

The criminal petition is filed for quash of the proceedings in C.C.No.399 of 2011 on the file of the IV Metropolitan Magistrate, Cyberabad, Ibrahimpatnam.

2. Heard Mr.T.Kartikeya Goud, learned counsel for the petitioner, the learned Public Prosecutor appearing for the first respondent and Mr.A.Hari Prasad Reddy, learned counsel appearing for the second respondent.

3. Learned counsel appearing for petitioner submits that the 2nd respondent filed complaint on 05.06.2009 stating that the petitioner has fabricated sale deed dated 02.01.1984 by forging the signature of the 2nd respondent and on the basis of fabricated sale deed, the petitioner is trying to obtain court orders behind his back. The expert gave opinion stating that the signatures do not tally and no opinion can be expressed regarding their authorship. The witnesses examined by the Investigating Officer did not support the case of 2nd respondent.

4. Learned counsel for petitioner further submits that the sale agreement, which is referred to as sale deed, was executed by the complainant in favour of the petitioner way back in the year 1994 and the charge-sheet also shows that the copy of sale deed was

obtained from possession of the complainant during investigation, which would suggest that the complainant was in possession of the same. Hence, the delay in filing the complaint in the year 2009 would go to the root of the merits of the case.

5. Learned counsel for respondent, in answer, submits that the petitioner has obtained copies from the revenue authorities just before filing the complaint. He further contends that the expert, who has compared disputed and admitted signatures, has given a report stating that there are no fundamental differences between the disputed and admitted signatures.

6. The opinion of the expert stating that the questioned signatures being photostatic reproductions of poor quality, no definite opinion can be expressed regarding their authorship, cannot be given much weight. In view of the allegations levelled against the petitioner, this Court is of the considered view that the proceedings against the petitioner cannot be quashed at this stage.

7. Hence, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

03-12-2018
Prv

T. RAJANI, J