

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.10060 of 2017

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused, to quash the proceedings in C.C.No.691 of 2017 on the file of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 2nd respondent-State and perused the record. In spite of service of notice, there is no representation on behalf of the 1st respondent/de-facto complainant.

3. The learned counsel for the petitioner/accused would submit that false criminal case is filed against the petitioner/accused. The property in question belongs to Sri Brahmachary Muth. The petitioner/accused is Mahanth of said Brahmachary Muth and owner of the subject land and other land in the disputed survey Nos.342/A, 343 and 344. The petitioner/accused is falsely implicated in this case, as he is protecting the land belonging to Sri Brahmachary Muth and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor would submit that the petitioner/accused is not at all the Mahanth of the

Sri Brahmachary Muth and that he created false and bogus certificates and ultimately prayed to dismiss the application.

5. Now the point for determination is whether the proceedings against the petitioner/accused in C.C.No.691 of 2017 on the file of the VIII Metropolitan Magistrate, Cybearabad at Rajendranagar, are liable to be quashed.

6. As per the case of the prosecution, the de-facto complainant is the owner and possessor of the land admeasuring 266.66 square yards in Survey No.342/A, 343 and 344, situated at Attapur, Rajendranagar. The said plot was purchased by the de facto complainant for a consideration of Rs.30,00,000/- from Babu Rao and Prabhu, vide registered document No.4677/2011, registered in the office of Sub Registrar, Rajendranagar, on 15.11.2011. Thereafter, the petitioner/accused, claiming himself to be 'chela' of Kishandas, made himself a Mahant on his own Brahmacharya Mutt and filed an appeal before the Joint Collector to cancel the Occupancy Rights Certificate issued in favour of Kishandas, by creating false and fabricated documents. The Inspector of Endowments, who colluded with the petitioner/accused, registered the property (including the property belonging to the de-facto complainant) under Section 43 of the Endowments Act in favour of the Mutt. It is also alleged that the petitioner/accused also fabricated and filed the documents before the

Endowments Department, claiming to be a Mahanth of Sri Brahmacharya Mutt.

7. All the allegations leveled against the petitioner/accused show that he is not the owner of the disputed land. The petitioner/accused styled himself as Mahanth of Sri Brahmacharya Mutt, created false and forged documents and filed before the Endowments Department. The truth or otherwise of the allegations are required to be determined after due trial. In the circumstances, continuation of proceedings against the petitioner/accused would not amount to abuse of process of law. The Criminal Petition is devoid of merit and is liable to be dismissed.

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

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. Shameem Akther, J

28th February, 2018

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