

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.11907 of 2018

ORDER:

The petitioners are the A.1 to A.6 in Cr.No.104 of 2018 of Keesara Police Station of Ranga Reddy District registered for the offences punishable u/ sec.420,468 and 471 read with 34 IPC. The 2nd respondent is the defacto-complainant.

2. The sum and substance of the accusation in the First Information Report from the report of the defacto-complainant received on 18.03.2018 is that at her native village Yadgarpalli of Keesara Mandal in Sy.Nos.210 to the extent of Ac.2.30guntas, Sy.No.213 to the extent of Ac.1.35guntas and Sy.No.242 to the extent of Ac.1.32guntas of land purchased by her husband K.Narasimha Reddy by registered sale deed Doc.No.900 of 1989 on 02.02.1989 and since then they are in possession and enjoyment. She further alleged that recently Katepally Sathi Reddy-A.1, Katepally Venkata Reddy-A.2 together to encroach the said property, created fake and false sale deed and cause registered on 11.05.2004 in favour of Katepally Bal Reddy-A.3 and Katepally Indira-A.4 and part of the said land in turn was settled by registered settlement deed Nos.5882 and 5883 of 2016 in the name of sons his sons Katepalli Kiran Reddy-A.5 and Katepalli Prashanth Reddy-A.6 by Bal Reddy-A.3. One Md.Ismail of their village attested the documents by assisted them. It is therefore they are trying to encroach and grab the property of the defacto-complainant in the above manner. Hence to take action as per law.

3. The contentions in the quash petition are that the allegations are false and untrue and there are no any ingredients that attract any of the offences against the petitioners/ A.1 to A.5 leave about the First

Information Report is a belated one after more than 1 ½ decades lapsed to the so called sale deed of 1989 and in turn 2004, leave apart there is already a civil suit filed by the A.6 against the defacto-complainant in O.S.No.248 of 2017 for the relief of permanent injunction in respect of Ac.1-00 out of Ac.1-15guntas in Sy.No.210 of Yadgirpalli East village and Grampanchayat of Yadgirpally, Keesara Mandal, and another suit O.S.No.289 of 2017 filed by Kiran Reddy-A.5 and Prashanth Reddy-A.6 sons of Bal Reddy-A.3 against the defacto-complainant Bharatamma for permanent injunction relief in relation to 500sq.yards site with built up area of 500sq.feet in Sy.No.242/ ru of Yadgarpalli village, another 650 sq.yards with built up area of 1200sq.yards in Sy.No.242/ ru and 243 of Yadgirpalli and long after service of summons in the two suits of August 2017, the police report given by the defacto-complainant in the middle of March 2018 by creating a false case with criminal flavor to the predominantly a civil lis and sought for quash of the proceedings.

4. 2nd respondent even served failed to attend, hence taken as heard and heard the learned counsel for the petitioners/ A.1 to A.6 who reiterated the contentions supra and also the learned Public Prosecutor representing State in opposing the quash petition saying it is a matter for investigation and nothing to quash the First Information Report proceedings.

5. The defacto-complainant in her report itself stated that her husband was the purchaser of the property under registered sale deed No.900/ 1989. In fact, sale deed, dt.23.02.1989 was executed by her husband K.Narasimha Reddy only as a G.P.A.holder of Mohd. Shariful Hassan, Chunnu Begam, Mohd.Ahmed Hussain and Mohd. Kareemuddin Hassan bearing Regn.No.1270/ 1989 at the office of the Sub Registrar, Panga Reddy district, in favour of Katepally Satti Reddy-A.1 and

katipally Venkat Reddy-A.2 sons of K.Penta Reddy of Yadgarpalli village, Keesara Mandal on receiving consideration which is in relation to Ac.1-15 guntas of land in Sy.No.209, Ac.1.15guntas of land in Sy.No.210 part, Ac.3-04guntas of land in Sy.No.244 and Ac.1.24guntas in Sy.No.244 total of Ac.7-18guntas with boundaries showing North: Land of G.Ram Chander, South: land of Katipally Narsimha Reddy, East: land of Nunemunthala Ramulu and West: land of Katipally Malla Reddy. Coming to the sale deed referred by her dt.11.05.2004, it was executed by K.Sathi Reddy-A.1 and K.Venkat Reddy-A.2 s/o Penta Reddy who are the vendees of registered sale deed No.1270/ 1989 dt.23.02.1989 executed in favour of K.Indira and her husband K.Bal Reddy s/o B.Venkat Reddy for Ac.3-28guntas out of Ac.7-18guntas supra by referring to their source of title under the registered sale deed No.1270 of 1989 supra with boundaries North: Land of G.Ramchander, South: Land of Latipalli Narasimha Reddy, East: Land of Nunemunthala Ramulu and West: Land of Katipally Malla Reddy.

6. Thus what she alleged of a false document as if created for the property of her husband-Narasimha Reddy by K.Sathi Reddy-A.1 and K.Venkat Reddy-A.2 in favour of Indira-A.4 and K.Bal Reddy-A.3 on 11.05.2004 is untrue, basically from the above, in turn execution of any gift settlement by said K.Bal Reddy-A.3 and Indira-A.4 one of the vendees to the 2004 document in favour of his sons Kiran Reddy-A.5 and Prashanth Reddy-A.6 in 2016 is for the same property. Thereby, it cannot be said that the alleged petitioners created any false documents. Thus, from the unimpeccable material on record, there is no basis to the said averment of creating false documents by the petitioners in the report of the defacto-complainant, leave apart it is a sale time barred long back for the registered document of 1989 and in turn document of

2004 for the complaint given in March, 2018 which is even 7 or 8 months after the filing of suits and service of summons against the defendant as sole defendant by the said settlees Kiran Reddy and Prashanth Reddy who are A.5 and A.6 herein.

7. Having regard to the above, as the lis is predominantly civil in nature and the inordinate delay in lodging report, for the above reasons apart from there is no sustainable accusation as per se vexatious and baseless allegations from the material on record, the First Information Report is liable to be quashed.

8. In the result, the Criminal Petition is allowed by quashing the proceedings in Cr.No.104 of 2018 of Keesara Police Station against the petitioners/ A.1 to A.6 and they are acquitted. Their bail bonds shall stand cancelled. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 14.12.2018
vvr

Dr. JUSTICE B. SIVA SANKARA RAO

