

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6950 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/Accused No.1 to call for the records relating to C.C.No.399 of 2017 on the file of IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, and quash the same.

2. Heard the learned counsel for the petitioner/Accused No.1 and the learned Additional Public Prosecutor appearing for the 1st respondent-State. Perused the record.

3. Learned Counsel for the petitioner/Accused No.1 would submit that the petitioner/Accused No.1 is an innocent person and is nothing to do with the allegations; that the dispute is of civil in nature and ultimately, prayed to allow the application.

4. Learned Additional Public Prosecutor appearing for the 1st respondent-State opposed the relief as sought for by the petitioner/Accused No.1.

5. As per the First Information Report, dated 13.05.2016, and the charge sheet filed in the subject Calendar Case, the petitioner/Accused No.1 forged and fabricated the sale deed and sold the plot admeasuring 250 square yards belonging to L.W.1 (Sri. B.Kishan) to L.W.3 (Smt. S.P.Vijaya Lakshmi). There is also statement of L.W.3 that she purchased the disputed property from Accused No.1. Accused Nos.2 and 3 are attestors to the alleged

forged sale deed. Originally, the disputed property belongs to L.W.2 (Sri Ramachandra Murthy), who sold the same to L.W.1 under a registered sale deed. Having stolen the original documents belonging to L.W.2, the petitioner/Accused No.1 indulged in forging and fabricating the sale deed in favour of L.W.3. There are specific and grave allegations of forgery, fabricating the documents, threatening etc.

6. Under these circumstances, it cannot be said that there is no accusation to file charge sheet against the petitioner/Accused No.1 for the offences punishable under Sections 417, 419, 468, 471 and 506 read with 34 IPC and proceed against him. Therefore, it cannot be said that continuation of proceedings against the petitioner/Accused No.1 are abuse of process of law.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Dr. SHAMEEM AKTHER, J

MARCH 20, 2019
YVL

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.6950 OF 2018

Date:20.03.2019

YVL