

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WEDNESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

CRIMINAL PETITION NO: 6495 OF 2020

Between:

K. Krishna Prasad, S/o. Ramchandra Prasad, Aged about 67 years, Occ-
Practicing Advocate, R/o.H.No.2-6-1172, Srinivasa Nagar, Hanamkonda,
Warangal Urban District.

...Petitioner/Accused

AND

1. The State of Telangana, represented by its Public Prosecutor High Court for the
State of Telangana, at Hyderabad.

...1st Respondent/State

2. Katkuri Giridhar Reddy, S/o. Narsi Reddy, Occ- Business, Aged about 45 years,
R/o.H.No.8-50, Vidhyuth Nagar, Dilsuknagar, Hyderabad

...2nd Respondent/Complainant

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to Crime No.557 of 2020 on the file of Ghatkesar Police Station, Rachakonda Commissionerate and quash the proceedings in Crime No.557 of 2020.

I.A. NO: 1 OF 2020

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in Crime No.557 of 2020 on the file of Ghatkesar Police Station, Rachakonda Commissionerate, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. Durga Prasad, learned counsel appearing for Sri A. Prabhakar Rao, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Criminal Petition No.6495 of 2020

ORDER:

The present Criminal Petition is filed under Section 482 of Cr.P.C., seeking to quash the Crime No.557 of 2020 on the file of the Station House Officer, Ghatkesar Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 419, 420, 427, 447, 468, 471 and 506 IPC read with Section 34 IPC, wherein the petitioner is arrayed as sole accused therein.

2. Heard Sri M. Durga Prasad, learned counsel appearing on behalf of Sri A. Prabhakar Rao, learned counsel for the petitioner/accused and learned Additional Public Prosecutor appearing for the first respondent - State. Perused the material placed on record.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e., 30.12.2020.

4. The learned counsel for the petitioner would submit that the petitioner had purchased the subject disputed plots from his vendor in the year 2003 under a registered document, while the second respondent/*de facto* complainant is claiming to have purchased the said plots from AGPA holder of the vendors of the petitioner on 16.06.2007. The learned counsel would further submit that by the date the second respondent/*de facto* complainant claimed to have been purchased the said plots, the petitioner had in fact sold away the said plots to one Siva Kumar on 05.05.2007. The learned counsel would thus submit that the

document in favour of the petitioner being first in point of time, having been executed in the year 2003 by the vendor himself, while the *de facto* complainant is claiming to have purchased the same from AGP holder of the vendor of the petitioner, the genuineness of the document executed in favour of the petitioner cannot be questioned by the present *de facto* complainant. If at all, any overact of forgery having been resorted to by the petitioner for purchasing the subject plots in the year 2003, the complaint ought to have been lodged by the original owner / vendor of the subject plots, and not by the second respondent/*de facto* complainant who is only a subsequent purchaser from AGPA holder by lodging a private complaint.

5. On the other hand, the learned Additional Public Prosecutor would submit that the vendor of the petitioner and the AGPA holder from whom the second respondent/*de facto* complainant had purchased the subject plots have been examined as witnesses in the above crime registered by the respondent authority upon the same is referred by the Hon'ble Magistrate. The learned Additional Public Prosecutor would submit that the claim of the petitioner of having purchased the said plots from the original owner under valid document stands unsubstantiated, in view of the fact that the vendor himself has been examined as a witness and disputing the execution of the document under which the petitioner is claiming title.

6. Having regard to the submissions made as above and considering the fact that the entire dispute relates to the execution of the document by the vendor initially in favour of the petitioner and subsequently in favour of the second respondent/*de facto*

complainant by AGPA holder need to be gone into by examination of the document and the witnesses and also taking note of the fact that the petitioner is an advocate with long standing and practicing at Warangal District Court, this Court is of the view that the respondent authorities are to be directed to follow the procedure prescribed under Section 41-A of Cr.P.C. and also to strictly follow the guidelines as laid down by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar**¹ and act in accordance with law, while investigating into the above crime.

7. Subject to the above observation and direction, the criminal petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

¹ (2014) 8 SCC 273

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SD/- B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The IV additional Metropolitan Magistrate cum IV Additional Junior Civil Judge, Cyberabad, at L.B. Nagar.
2. The Station House Officer, Ghatkesar Police Station, Rachakonda Commissionerate.
3. Two CCs to the Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri A. Prabhakar Rao, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

TVKJ

DATED:30/12/2020



ORDER

CRLP.No.6495 of 2020

DISPOSING OF THE CRIMINAL PETITION

⑦ VLV
18/1/21