

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

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 15827 OF 2024

Between:

1. Pole Sunitha,, W/o Jaganmohan, Age 47 years, Occ. Agriculture, R/o. H. NO. 3-5-78/1, RTC Colony Road, LB Nagar, Ranga Reddy Dist.
2. Gunti Ravinder,, S/o. G. Pochaiah, Age 49 years, Occ. Business, R/o. H. NO.3-5-165/1, RTC Colony Road, LB Nagar, Ranga Reddy Dist.

...Petitioners/Accused No.2 & 4

AND

1. The State of Telangana,, Through the SHO, P S Abdullamet, Rep. by Public Prosecutor, High Court of Telangana, At Hyderabad.
2. D. Moin Baba, @ Jeevan Kumar (Notices to R2 is not necessary as he died on 14.01.2019)

...Respondent/Defacto Complainant

Petition under Section 528 of BNSS Act, 2023 praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the C.C. No. 73 of 2021, and all criminal proceedings pending in its pursuance before the Hon'ble XIV Additional Judicial Magistrate Of First Class.

I.A. NO: 1 OF 2024 IN CRL.P.NO.15827 OF 2024:

Petition under Section 528 of BNSS Act, 2023 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 C.C. No. 73 of 2021, and all criminal proceedings pending before the Hon'ble XIV Additional Judicial Magistrate Of First Class, against the Petitioners herein, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B RAJESHWAR REDDY, Advocate for the Petitioners and Sri VEERAMALLA JITHENDER RAO, the Additional Public Prosecutor on behalf of the Respondent No.1 and Respondent No.2 is Not Necessary.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15827 of 2024

ORAL ORDER:

This Criminal Petition is filed seeking the Court to quash the proceedings against the petitioners in C.C.No.73 of 2021 on the file of the learned XIV Additional Judicial Magistrate of First Class, Hayathnagar, registered for the offences punishable under Sections 419, 468 and 471 read with 120(b) of the Indian Penal Code, 1860 and Section 156(3) of Code of Criminal Procedure, 1973.

2. Heard Sri B. Raheshwar Reddy, learned counsel appearing on behalf of the petitioners as well as Sri Veeramalla Jithender Rao, learned Additional Public Prosecutor appearing on behalf of the respondent -State.

3. Learned counsel for the petitioner submitted that the defacto complainant, who alleged forgery of his title deed, passed away on 14.01.2019. During his lifetime, he compromised with the petitioners on 05.06.2018, withdrawing his civil suit and acknowledging the petitioners' title to the property. He further submitted that the complainant had also

stated his intention to withdraw the criminal case in a memorandum of understanding. Given the civil nature of the transactions and the compromise between the parties, the allegations made prior to the compromise are now infructuous, and no criminal case can be proved against the petitioners. Moreover, the charges under Sections 419, 468, 470 read with 120B of the IPC cannot be sustained due to lack of evidence and an interested complainant. Therefore, he prayed the Court to quash the proceedings against the petitioners by allowing this criminal petition.

4. On the other hand, learned Additional Public Prosecutor submitted that the suit was compromised between the parties and the compromise was also recorded, therefore, he prayed the Court to pass appropriate orders.

5. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it is evident that the petitioners, are attestors of the documents, wherein accused No.1 had compromised with the de facto complainant, and the suit was decreed. As the complainant has compromised with the main accused, accused No.1, who allegedly forged the documents,



continuation of proceedings against the petitioners' amounts to an abuse of the legal process. Therefore, the proceedings against the petitioners are liable to be quashed.

6. Accordingly, this Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.73 of 2021 on the file of the learned XIV Additional Judicial Magistrate of First Class, Hayathnagar, are hereby quashed.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Metropolitan Magistrate Cyberabad at Hayathnagar
2. The Station House Officer, Abuddlapurmet Police Station, Rachakonda.
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI. B RAJESHWAR REDDY Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED: 31/12/2024

ORDER

CRLP.No.15827 of 2024



ACCORDINGLY, THIS CRIMINAL PETITION IS ALLOWED

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