APHC010671932022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 9856/2022

Between:

1. DADI NAGENDRA VARA PRASAD, S/O. GANGADHARA RAO, AGE 40 YEARS, OCC DOCUMCNT WRITER, R/O. TAPI MESTRY COLONY, ELURU TOWN, WEST GODAVARI DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT AT AMARAVATI, THROUGH THE STATION HOUSE OFFICER, ELURU II TOWN POLICE STATION, WEST GODAVARI DISTRICT
2. MANTHI GIRI PRASAD, S/O. RAMA RAO, AGED 43 YEARS, OCCOOPERATIVE CREDIT SOCIETY LIMITTED, POWERPET BRANCH, ELURU, WEST GODAVARI DISTRICT.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtplease to quash the proceedings in CC 393 of 2022 on the file of the IInd Addl. Junior Civil Judge cum II Addl. Judicial Magistrate of First Class, Eluru, West Godavari

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased pleased to stay al and further proceedings including appearance of the petitioners in CC 393 of 2022 on the file of the IInd Addl. Junior Civil Judge cum II Addl. Judicial Magistrate of First Class, Eluru, West Godavari District.

Counsel for the Petitioner/accused:

1. GOUTHAMI SURAPAREDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 9856 OF 2022

ORDER:

This petition is filed by the petitioner/accused No.3 seeking to quash the proceedings against him in C.C.No.393 of 2022 on the file of the II Additional Junior Civil Judge-cum-II Additional Judicial Magistrate of First Class, Eluru, West Godavari District.

2. The case of the petitioner, in brief, is as follows:

The petitioner is working as a private document writer. At the request of accused Nos.1 and 2, he prepared the disputed documents in the course of his professional duties. He claims that he had no knowledge about the genuineness of the said documents and was not aware of the transactions or mortgages entered into by accused Nos.1 and 2. It is contended that there are no specific allegations attributing any overt act, knowledge or dishonest intention to the petitioner and that continuation of the proceedings against him would amount to an abuse of the process of law.

3. Having received notice, respondent No.2 remained ex parte.

4. Heard Sri Ganesh Santhosh Reddy, learned counsel representing Sri Gouthami Surapareddy, learned counsel for the petitioner, and Smt. K. Priyanka Lakshmi, learned Assistant Public Prosecutor.

5. Perused the petition and the material available on record.

6. As seen from the record, based on the report of respondent No.2, a case in Crime No.64 of 2022 was registered for the offences punishable under Sections 420, 468, 417, 421, 506 and 120-B read with Section 34 of the Indian Penal Code (hereinafter referred to as 'the Code') against accused Nos.1 and 2 and the petitioner/document writer. The main allegations of the prosecution are that accused No.1, being the absolute owner of the subject land, availed a

loan from respondent No.2 by mortgaging the scheduled property situated in R.S.Nos.879/2, 878 and 879/2A at Seethapuram, Vatluru Village, Pedapadu Mandal, and subsequently fraudulently executed a settlement deed in favour of accused No.2. It is alleged that accused Nos.1 and 2, who are wife and husband, conspired with each other, fabricated documents, cheated respondent No.2 and committed the alleged offences. The petitioner/document writer is also sought to be made liable for the alleged offences. Except for the said assertion, nothing is stated in the report or in the other material available on record regarding the specific role played by the petitioner.

7. As seen from the report, it is merely mentioned in the prayer portion that action be taken against the petitioner/document writer along with accused Nos.1 and 2. Further, the statement of respondent No.2 recorded under Section 161 Cr.P.C. only states that they came to know that the petitioner/document writer had also colluded with accused Nos.1 and 2. No particulars of such alleged collusion, nor any specific act indicating the petitioner's knowledge or participation in the alleged offences, are set out.

8. Learned counsel for the petitioner relied upon the judgment of Patna High Court in ***Rajesh Ranjan v. State of Bihar***[1], wherein, in circumstances concerning a deed writer, the Court held that where the person had merely performed his professional duty and there was no tangible material showing mens rea or participation in the alleged fraudulent activity, continuation of the criminal proceedings against him was not justified.

> The Court, in that case, observed that the petitioner, being a sale deed writer (Katib), had merely performed his professional duty and that the requisite mens rea or intention to indulge in fraudulent activity did not surface against him. The allegation of collusion was not substantiated by any tangible material and remained a bald and casual allegation. The Court further observed that, in the absence of material showing complicity in the alleged illegal acts, the offences were not

[1] Criminal Miscellaneous No.48792 of 2022, decided on 10.08.2026

made out against the petitioner even on the face of the allegations.

The Court, while referring to the principles laid down in State of Haryana v. Bhajan Lal, reported in 1992 Supp (1) SCC 335, proceeded to quash the proceedings insofar as they related to the petitioner therein.

9. It is well settled that, while exercising the power under Section 482 of the Code of Criminal Procedure to quash an FIR or a complaint, the High Court has to proceed on the basis of the allegations made in the complaint or the documents accompanying it, taken at their face value, and is not required to examine the correctness or otherwise of those allegations. If the allegations, even when taken at their face value and accepted in their entirety, do not constitute an offence, continuation of the criminal proceedings would amount to an abuse of the process of law. At the same time, the power of quashing criminal proceedings is extraordinary and is to be exercised sparingly, with due circumspection and only in appropriate cases. The Court ordinarily should not embark upon an enquiry into the reliability or genuineness of the allegations at this stage. The Hon'ble Supreme Court, in ***State of Haryana and Others v. Bhajan Lal and Others***[2], has enunciated illustrative categories in which the inherent power may be exercised, including the following:

> "The allegations in the first information report or the complaint, even if taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused."
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> "The allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence justifying an investigation by police officers under Section 156(1) of the Code, except under an order of a Magistrate within the purview of Section 155(2) thereof."
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> "The uncontroverted allegations made in the FIR or complaint and the evidence collected in support thereof do not disclose the commission of any offence or make out a case against the accused."
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> "The allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, and investigation by a police

[2] 1992 Supp (1) SCC 335

> officer is undertaken without an order of a Magistrate as contemplated under Section 155(2) of the Code."
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> "The allegations made in the FIR or complaint are so absurd and inherently improbable that, on the basis thereof, no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused."
>
> "There is an express legal bar engrafted in any of the provisions of the Code or the concerned Act to the institution or continuance of the criminal proceeding, or there is a specific provision in the Code or the concerned Act providing efficacious redress for the grievance of the aggrieved party."
>
> "The criminal proceeding is manifestly attended with mala fides or is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

10. Having considered the facts and circumstances of the case and the allegations levelled against the petitioner, this Court is of the considered view that the material on record does not disclose any specific overt act on the part of the petitioner, who is a private document writer and who prepared the documents at the request of accused Nos.1 and 2. Merely because the petitioner prepared the documents, in the absence of any specific allegation or material showing that he had knowledge of the alleged fraudulent transactions, shared the alleged dishonest intention, or participated in the alleged conspiracy or fabrication, criminal liability cannot be fastened upon him. The statement of respondent No.2 regarding alleged collusion is general in nature and is not supported by particulars indicating the petitioner's conscious participation in the commission of the offences. Therefore, even if the allegations and material available on record are taken at their face value, they do not prima facie disclose the commission of the alleged offences by the petitioner. Continuation of the proceedings against him, in these circumstances, would amount to an abuse of the process of law.

11. ***In the result***, and for the aforementioned reasons, this Criminal Petition is allowed, quashing the proceedings against the petitioner/accused No.3 alone in C.C.No.393 of 2022 on the file of the II Additional Judicial Magistrate of First Class, Eluru, West Godavari District.

As a sequel thereto, pending miscellaneous petitions, if any, shall stand closed.

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SUNITHA GANDHAM, J

07.10.2026

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THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 9856 OF 2022

Date: 07.10.2026

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