

HIGH COURT FOR THE STATE OF TELANGANA HYDERABAD

MAIN CASE No: CrI.P.No.7427 of 2025

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
9.	23.03.2026	<u>JAK, J</u> This Criminal Petition is filed with the following prayer: “... to quash the proceedings in C.C.No.376 of 2022 on the file of Hon’ble Addl. Judicial First Class Magistrate at Madhira, Khammam District arising out of Crime No.223 of 2019 dated 11.11.2019 on the file of Thallada Police Station for the offences Punishable Under Sections 465 471 and 473 of IPC in the interests of justice and pass...” On the basis of a complaint, dated 11.11.2019, by respondent No.2-complainant, an FIR bearing No.223 of 2019 came to be registered, dated 13.11.2019, in the Police Station of Thallada, Khammam District, under Sections 465, 471 and 473 of IPC against accused No.1. It is averred in the complaint by respondent No.2 that one Jampala Veera Laxmi, W/o Late Anjaneyulu, R/o Yellandu, has committed a forgery of death certificate of Jampala Anjaneyulu, dated 23.05.2019 (issued date). It is further averred in the complaint that the certificate was forged on his name and that fake seals of the Village Panchayath and Panchayath Secretary were used and the duplicate death certificate was manufactured, that it came to the knowledge of respondent No.2 when information was sought by way of Right To Information Act, 2005 (for short ‘RTI Act’). Hence, the delay in filing the	

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		complaint. Charge sheet is filed, in the charge sheet, it is stated that complainant was In-charge Secretary for the Kurnavelli Village. Accused Nos.1 and 2 are mother and daughter. Husband of accused No.1 had three marriages, was a retired excise constable and died on 11.05.2019. It is further stated in the charge sheet that when accused No.2 went to Panchayath Office, applied for a death certificate before the Panchayath Secretary i.e., LW1 (respondent No.2), she was informed that the death certificate was issued on 17.05.2019 to one Jampala Venkateswarlu, S/o Anjaneyulu by the then Panchayath Secretary. Hence, the death certificate was not issued (refused). It is also stated that accused No.1 approached the DPO, Khammam for making complaint against respondent No.2 for not issuing the death certificate. That accused Nos.1 and 2 met accused No.3 for death certificate and accused No.3 had assured that death certificate would be given. It is stated in the charge sheet that all the three accused had knowledge, to obtain the death certificate of accused No.1's husband, that Rs.6,000/- was given to accused No.3 by accused Nos.1 and 2 in the month of August, 2019 and a forged death certificate was given to accused Nos.1 and 2 in the Wyra Bus Stand and accused Nos.1 and	

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		2 used the forged and fabricated death certificate and applied for legal heir certificate in Tahsildar office. Hence, accused Nos.1, 2 and 3 were liable to be punished under Sections 465, 471 and 473 of IPC. Learned counsel for accused/petitioners submitted that petitioners are illiterate and that they lodged a complaint on 26.07.2019 in the police station of Thallada against Jampala Venkateswarlu, as he was creating trouble so that accused Nos.1 and 2 would not get the death certificate, but no action was taken on the complaint. It is further submitted that the present FIR is registered at the instance of respondent No.2, in collusion with LW3 i.e., Jampala Venkateswarlu. It is further submitted that suit bearing O.S.No.52 of 2021 was filed seeking a declaration that plaintiff Nos.1 and 2 i.e., accused Nos.1 and 2, are the legal heirs of Jampala Anjaneyulu, (the dead excise constable). That the said suit was decreed ex-parte on 10.12.2021. It is submitted that ingredients of Sections 465, 471 and 473 of IPC are not made out and hence, the offences are not attracted. It is submitted that accused No.3 issued the death certificate on the request of accused Nos.1 and 2 and that there is no statement recorded against accused Nos.1 and 2 in the charge sheet that they have created the seals of Gram Panchayath and Panchayath Secretary and	

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		that they are the ones who created the forged certificate (death certificate). Hence, offences are not attracted. On the other hand, the learned Assistant Public Prosecutor for respondent-State has submitted that the issues involved in the matter are triable in nature, as the allegations are with regard to creation of a forged document (death certificate), used for purpose of obtaining legal heir certificate in the office of Tahsildar by accused Nos.1 and 2. Heard learned counsels, perused the record and considered the submissions. Complaint is dated 11.11.2019, it is by one Mr. Bathula Vinay Kumar, Gram Panchayat Secretary of Muddunoor. It is averred in the complaint that the death certificate of one Jampala Anjaneyulu was forged as though issued by him, using fake seals of Gram Panchayath and a fake seal of Secretary and that a duplicate certificate was manufactured by accused No.1 and that he came to know about the information under the RTI Act. A charge sheet is filed, on a perusal of the contents of charge sheet, it is observed that accused Nos.1 and 2 have approached accused No.3 for obtaining death certificate. Death certificate was given to accused Nos.1 and 2 by accused No.3 in the month of August, for which accused No.3 was paid	

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		Rs.6,000/-. It is reflected in the charge sheet that accused Nos.1 and 2 used the certificate given by accused No.3 (purportedly a forged and fabricated death certificate) and applied for a legal heir certificate in the Tahsildar office. The contents of the complaint are that accused No.1 has forged the death certificate on the name of Panchayath Secretary by using a fake seal of Panchayath Secretary, manufactured a duplicate certificate and that he came to know about this information under the RTI Act. In the charge sheet, it is reflected that accused Nos.1 and 2 have only used the forged document for the application of a legal heir certificate. The complaint is filed with a delay of five and half months. On a perusal of the material on record, it is observed that accused Nos.1 and 2 seem to have paid an amount of Rs.6,000/- to accused No.3 for a death certificate. This fact is not disputed. But, the issue for consideration is whether accused Nos.1 and 2 have created the forged death certificate of Jampala Anjaneyulu, as reflected in the complaint, by creating a fake seal of Gram Panchayath and a fake seal of Panchayath Secretary and have manufactured the death certificate. No fake seal of Gram Panchayath or fake seal of Panchayath Secretary, are seized from the custody of accused	

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		Nos.1 and 2. It is reflected in the charge sheet that after analysis of signatures over the documents, the forensic expert opined as follows: “The person who wrote the red enclosed signatures marked as S1 to S90 did not write the red enclosed signature marked as Q.” This does not in any way point out a finger that the signature was forged by accused Nos.1 and 2. Sections 465, 471 and 473 of IPC are charged against accused Nos.1 and 2. Section 465 of IPC is as follows: “465. Punishment for forgery.— Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.” On a perusal of Section 465 of IPC, it is apparent that, for the Section to be attracted, the ingredients have to be made out. On a fair reading of material on record, it is apparent that accused Nos.1 and 2 cannot be mulcted for the offences, as nowhere in the record, it is reflected that accused Nos.1 and 2 have forged the documents. Section 471 of IPC is as follows: “471. Using as genuine a forged document or electronic record.— Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.” On a perusal of Section 471 of IPC, it is	

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		apparent that a person should have used a forged document as a genuine one, fraudulently or dishonestly. From the contents of the material on record, it is not made out that petitioners had knowledge that the document was a forged one and that they were using the said document as a genuine document. The reason for this is that accused Nos.1 and 2 paid an amount of Rs.6,000/- to accused No.3 and it is accused No.3 who has given the document. Section 473 of IPC is as follows: “473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.— Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 467, or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.” On a perusal of Section 473 of IPC, it is apparent that to attract the ingredients of Section, a person must make any seal or other instrument which is counterfeit for making an impression, intending that the same shall be used for committing forgery. The ingredients of section are not made out against the accused Nos.1 and 2, as no seals are recovered from the accused Nos.1 and 2. Having considered the entire factual matrix of	

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		the case, this Court is of the considered opinion that it is a fit case for grant of stay of all further proceedings in C.C.No.376 of 2022 on the file of Additional Judicial First Class Magistrate at Madhira, Khammam, arising out of Crime No.223 of 2019 dated 11.11.2019 on the file of Thallada Police Station for the offences punishable under Sections 465, 471 and 473 of IPC and are accordingly stayed. Post the matter on 20.04.2026. JAK, J plp	