

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

WEDNESDAY , THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 4717 OF 2016

Between:

1. D.ChandraSekhar Reddy S/o. Raja Reddy, Aged 50 years, Occ Agriculture, H.No. 11-5-152/2, Officers Cooperative Society, Red Hills, Nampally, Hyderabad - 500 004
2. A. Ravinder, S/o A. Kishtaiah, Aged 56-years, Occ Agriculture, R/o Plot No. 491, II Floor, Vasanth Nagar, Kukatpally, Ranga Reddy District.

...PETITIONER/ACCUSED 1-2

AND

1. The State Of Telangana., High Court of Judicature at Hyderabad
2. P.Venkatarami Reddy, S/o.Late P.L.N. Reddy, Aged 65 years, R/o.Flat No.602, H No1-10-11/1, Gokul Apartments, Street No.4, Ashok Nagar, Hyderabad.

...RESPONDENT/Defacto 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 quash the proceedings in C.C.No.811/2014 on the file of XXV Metropolitan Magistrate, Cyberabad, at Kukatpally, R. R. District .

I.A. NO: 2 OF 2019

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 extend the interim stay dated 04/04/2016 as granted vide CrI.P.No. 4717 of 2016 and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

I.A. NO: 1 OF 2022

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 permit the petitioners/petitioners to take out notice against the 2nd respondent/respondent herein by causing paper publication in any local daily newspaper of Hyderabad

I.A. NO: 1 OF 2016(CRLPMP. NO: 5379 OF 2016)

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 grant stay of all further proceedings including the appearance of the petitioners in C.C.No.811/2014 on the file of XXV Metropolitan Magistrate, Cyberabad, at Kukatpally, R.R.District in the interest of justice

I.A. NO: 1 OF 2019

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 extend the stay granted by this Honourable Court on 04-04-2016 in CrI.P.No. 4717 of 2016.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M Parma Reddy, Advocate for the Petitioner and the Public Prosecutor Telangana, at Hyderabad on behalf of the Respondent No.1 and of None Appeared for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4717 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners/accused Nos.1 and 2 to quash the proceedings against them in C.C.No.811 of 2014 on the file of the learned XXV Metropolitan Magistrate, Cyberabad, at Kukatpally, Ranga Reddy District.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent- State. Perused the record.

3. The case of the *defacto* complainant is that these petitioners filed suit in O.S.No.1457 of 2009 on the file of the learned Senior Civil Judge, Ranga Reddy District by forging the documents; i.e., 1) Form No.13 (C) dated 30.11.1990, 2) Form No.13 (B), dated 30.11.1990, 3) Notice No.B/2657/1990, 4) Pattedar Pass Book vide Patta No.162, Title deed vide Patta No.162 in the name of accused No.1 and 5) Pattedar passbook vide Patta No.163 and Title deed vide Patta No.163 in the name of accused No.2.

4. On the basis of the private complaint filed, the complaint was referred to the police for the purpose of investigation. The police investigated the case and during the investigation it was found that the documents alleged to have been forged were not forged documents and are original documents. However, on the advice of the learned Additional Public Prosecutor, the final report was filed for the offences punishable under Section 420 of IPC and deleted the Sections 460 and 478 of IPC.

5. The documents are filed in the civil suit and during the investigation, it was found that the documents are not forged. The basis for the complaint is that forged documents were filed for the purpose of cheating. When the documents are not fabricated by the petitioners and found to be genuine, the question of cheating the *defacto* complainant does not arise. None of the ingredients of Section 420 are made out.

6. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.811 of 2014 on the file of the learned XXV Metropolitan Magistrate, Cyberabad, at Kukatpally, Ranga Reddy District are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

SD/- A.V.S. PRADAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XXV Metropolitan Magistrate, Cyberabad, at Kukatpally, Ranga Reddy District
2. Two Ccs to Public Prosecutor, High Court For The State Of Telangana, at Hyderabad. [OUT]
3. One CC to Sri. M Parma Reddy Advocate [OPUC]
4. Two CD Copies

ANV

ADK

[Handwritten signature]

HIGH COURT

DATED:13/09/2023

ORDER

CRLP.No.4717 of 2016



ALLOWING OF THE CRLP

①
29/9/23
JW