



2022:TSHC:64463
[3444]

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

**TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRLP.Nos.11805 OF 2015, CRLP.Nos.6850 OF 2021

CRLP NO: 11805 OF 2015

BETWEEN:

1. R.Venkateshwarlu, S/o. B.Badraiah, aged 72 years
2. R.Ramadevi, W/o. Venkateshwarlu, aged 65 years
3. R.Manjula, D/o. Venkateshwarlu, aged 46 years.
4. R.Madhavilatha, D/o. Venkateshwarlu, aged 41 years

All Residents of H.No.12-13-485/5/1, Street No.20, Nagarjuna Nagar Colony,
Tarnaka, Secunderabad

...Petitioners/Accused-1 to 4

AND

1. A. Ram Reddy, S/o. Laxma Reddy, aged 35 years, R/o. Plot No.80, Road No.3, Annapurna Colony, Boduppall, Secunderabad.
2. The State of Telangana, rep. by its SHO, Medipally PS, Medipally, Cyberabad, through Public Prosecutor, High Court of Judicature at Hyderabad.

...Respondents

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.669/2015 on the file III Metropolitan Magistrate, Cyberabad at L.B.Nagar.

I.A. NO: 1 OF 2015(CRLPMP. NO: 11799 OF 2015)

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 of all the further proceedings in C.C.No.669/2015 on the file of III Metropolitan Magistrate, Cyberabad at L.B.Nagar pending disposal of the above criminal petition.



CRLP NO: 6850 OF 2021

Between:

1. R. Venkateswarlu, S/o. R. Bhadraiah, Aged about 76 years, Occ. Retired Employee,
2. R. Rama Devi, W/o. R. Venkateswarlu, Aged about 67 years, Occ. Housewife,
3. R. Manjula, D/o. R. Venkateswarlu, Aged about 46 years, Occ. Housewife,
4. R. Madhavi Latha, D/o. R. Venkateswarlu, Aged about 38 years, Advocate,

D1-D4 are R/o. H.No. 12-12-485/5/1, Street No. 20, Nagarjunanagar Colony, Tarnaka, Hyderabad.

...Petitioner/Accused

AND

1. State of Telangana, Rep, by its S.H.O, P.S Medipally P.S, Cyberabad, through Public Prosecutor, High Court of Telangana at Hyderabad.

...Respondent

2. Raghavendranagar Colony Welfare Association, Having its office at Chengicherla Village, Ghatkesar Mandal, Ranga Reddy District, Rep by its Secretary A. Srinivas Reddy, S/o. Sathi Reddy, Aged about 43 years, Occ. Business, R/o. H.No. 10-302, Vasanthapuri Colony, Malkajgiri, Ranga Reddy District-47

...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 records relating to CC No. 48 of 2016, pending on the file of III Metropolitan Magistrate Cum III Additional Junior Civil Judge Court, Cyberabad At L.B.Nagar to quash the same.

I.A. NO: 1 OF 2021

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 for all further proceedings in CC No. 48 of 2016, pending on the file of III Metropolitan Magistrate Cum III Additional Junior Civil Judge Court, Cyberabad At L.B.Nagar including appearance of the petitioners.



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This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri N. Pramod, Advocate for the Petitioners and Sri D. Arun Kumar, Additional Public Prosecutor on behalf of the Respondent No.1 and of M/s. G. Viplav Reddy, Advocate for the Respondent No.2.

The Court made the following: COMMON ORDER



2022:TSHC:64463

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

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION Nos.11805 OF 2015 AND 6850 OF 2021

DATE: 03-03-2026

Between:

R. Venkateshwarlu and three others

.. Petitioners

And

A. Ram Reddy,
S/o.Laxma Reddy, aged 35 years,
R/o. Plot No.80, Road No.3,
Annapurna Colony, Boduppal,
Secunderabad and another

... Respondents

COMMON ORDER:

Since the issue involved and the petitioners in both these Criminal Petitions are one and the same, both these Criminal Petitions are disposed of by way of this common order.

2. Crl.P.No.11805 of 2015 is filed by the petitioners-accused Nos.1 to 4 seeking to quash the proceedings against them in C.C.No.669 of 2015 on the file of learned III Metropolitan Magistrate, Cyberabad at L.B. Nagar, registered for the offences under Sections 419, 420, 447, 427, 471, 120B and 468 I.P.C.



3. Crl.P.No.6850 of 2021 is filed by the petitioners-accused Nos.1 to 4 seeking to quash the proceedings against them in C.C.No.48 of 2016 on the file of learned III Metropolitan Magistrate-cum-III Additional Junior Civil Judge, Cyberabad at L.B. Nagar, registered for the offences under Sections 120B, 447, 419, 420, 427 and 506 I.P.C.
4. Heard Sri N. Pramod, learned counsel for the petitioners.
5. In Crl.P.No.11805 of 2015, notice sent to respondent No.1 by way of registered post was returned with an endorsement 'party left'. Notice is sent to respondent No.1 to the address mentioned in the complaint. Hence, notice is deemed to be served on respondent No.1 in view of Section 27 of the General Clauses Act.
6. In Crl.P.No.6850 of 2021, in spite of providing ample opportunity, respondent No.2 failed to represent the matter.
7. The case of the *de facto* complainants is that they have purchased the subject lands from their vendor Shaik Patcha Saheb. The said Shaik Patcha Saheb has suppressed the fact of selling the subject lands to them and by playing fraud on them, obtained loan *vide* DL Account No.156/98 BL PH, from the Charminar Co-operative Urban Bank Limited, Purani Haveli Branch, Hyderabad, by



depositing the title deeds of the subject lands. The said Shaik Pacha Saheb died on 13.06.2002. Subsequently, his wife Mrs. Kaneez Fatima, in collusion with the petitioners herein, has executed an Agreement of Sale, dated 06.11.2007, in favour of the petitioners in respect of the subject lands and got filed a collusive Suit for specific performance *vide* O.S.No.100 of 2010 before the learned Principal District and Sessions Judge, Ranga Reddy District, and the said Suit was decreed *ex parte* on 21.01.2011. Pursuant to the same, the Principal District Judge has executed a Sale Deed bearing No.1952 of 2012, dated 23.04.2012, in favour of the petitioners herein. Subsequently, the petitioners filed a petition for delivery of possession and consequently, the petitioners along with the Mandal Surveyor have demolished the basements and boundary walls constructed by them by forcibly trespassing into the subject lands. It is alleged that the land in Survey No.8 situated at Chengicherla Village was already divided into house plots and was purchased by several purchasers and that the Revenue Department has issued 'No Objection Certificate' in respect of the said plots. The revenue records, such as pahanies, also clearly disclose the fact that Survey No.8 is divided into plots, but the highhanded activities of the petitioners resulted in huge loss to the *de facto*



complainants and other victims. Thus, the present complaints are lodged against the petitioners herein.

8. Learned counsel for the petitioners submitted that the petitioners are the purchasers of the subject lands in an auction sale. There was a distraint order passed on the subject lands, as Shaik Patcha Saheb, who was the loanee, committed default in repaying the loan. While so, an agreement of sale is executed by the wife of Shaik Patcha Saheb in favour of the petitioners in order to release the mortgage. Thus, the petitioners have financed for the release of the mortgage and hence, requested for execution of the Sale Deed, over which the wife of Shaik Patcha Saheb has not turned up. Therefore, the petitioners filed a Suit for Specific Performance of agreement of sale, which was decreed and in pursuance of the said decree, Sale Deed was executed in favour of the petitioners. Thus, the petitioners have obtained the Sale Deed through the process of Court and have not committed any such offences, as alleged by the *de facto* complainants. He further submitted that the petitioners have filed E.A.No.302 of 2012 seeking delivery of possession and that there are Suits pending before the Courts, in which the issue of title can be settled. He further submitted that the subject lands are fallow lands and there is



nothing to damage and that there are no structures in the subject lands, as alleged by the *de facto* complainants. He further submitted that the Suit filed by the *de facto* complainants also does not disclose any such structures in the plaint schedule property. Thus, the allegations levelled in the complaints are false and vague. He further submitted that in spite of pendency of civil litigation, the present complaints are filed just to harass the petitioners. He, therefore, prayed to quash the proceedings in the present C.Cs. against the petitioners.

9. Perused the record.

10. The allegations point out that one Shaik Patcha Saheb has suppressed the fact of selling the subject lands to the *de facto* complainants and has obtained loan from the Charminar Co-Operative Urban Bank Limited and that the petitioners herein have collusively entered into an agreement of sale with the wife of the vendor of the *de facto* complainants, filed a Suit, obtained a decree for specific performance and thus, could get the Sale Deed executed through the process of Court. Thus, the *de facto* complainants allege that the petitioners have to face the criminal trial.



11. It is borne out by record that the Suit in O.S.No.19 of 2014 on the file of learned XIV Additional District Judge, Ranga Reddy District, has been filed by one K. Krishna Reddy with regard to the same subject property and the said Suit is pending. The *de facto* complainants along with others have filed O.S.No.1269 of 2013 on the file of learned II Additional District Judge, Ranga Reddy District, seeking declaration of the Sale Deed obtained by the petitioners as null and void and for declaration of title. The petitioners have submitted in their petitions that one K.Krishna Reddy entered into their property, demolished their shed and borewell and thereby, the petitioners have lodged a complaint before the police *vide* Crime No.204 of 2013 under Sections 447 and 427 I.P.C. and subsequently, the said K. Krishna Reddy has filed the Suit in O.S.No.19 of 2014 pending on the file of learned XIV Additional District Judge, Ranga Reddy District. Since the *de facto* complainants have filed O.S.No.1269 of 2013 for declaration of title, the matter can be comprehensively decided in the said Suit. The petitioners herein have obtained the Sale Deed through the process of Court. Hence, the allegations *prima facie* do not point out the offences alleged against the petitioners herein.



12. The offences alleged against the petitioners in CrI.P.No.11805 of 2015 are under Sections 419, 420, 447, 427, 471, 120B and 468 I.P.C. and in CrI.P.No.6850 of 2021 are under Sections 120B, 447, 419, 420, 427 and 506 I.P.C. The relevant Sections are extracted hereunder for the sake of reference.

“416. Cheating by personation.— A person is said to “cheat by personation” if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.

419. Punishment for cheating by personation.— Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

420. Cheating and dishonestly inducing delivery of property.—Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

427. Mischief causing damage to the amount of fifty rupees.—Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



447. Punishment for criminal trespass.—Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, with fine or which may extend to five hundred rupees, or with both.

463. Forgery.—Whoever makes any false documents or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.

468. Forgery for purpose of cheating.—Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

470. Forged document or electronic record.—A false document or electronic record made wholly or in part by forgery is designated "a forged document or electronic record".

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.

120A. Definition of criminal conspiracy.—When two or more persons agree to do, or cause to be done,—
(1) an illegal act, or



(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

120B. Punishment of criminal conspiracy.—

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both."

13. Since the Sale Deed is obtained by the petitioners through the process of Court, the petitioners cannot be alleged to have cheated the *de facto* complainants in any manner. Moreover, the petitioners are no way in contact with the *de facto* complainants and that they never induced the *de facto* complainants to deliver their property. Therefore, the ingredients of Section 420 I.P.C. do not get attracted against the petitioners herein. Further, the offences under Sections 447 and 427 I.P.C. also do not get attracted against the petitioners, because even as per the allegations, it is the case of the



de facto complainants that the petitioners along with Mandal Surveyor have entered into the subject lands. It is the case of the petitioners that they have filed E.A.No.302 of 2012 seeking delivery of possession and that they are acting in pursuance of the orders passed by the civil Court. Thus, the said offences also do not get attracted against the petitioners herein. Further, to attract the offence of forgery under Section 463 I.P.C., the accused must have been the maker of a false document or false electronic record. In the present case, petitioner No.1 is alleged to have submitted a fake death certificate, purported to have been issued by Municipal Corporation of Hyderabad. Thus, the allegations do not point out that petitioner No.1 is the maker of the document. It is not the case of the *de facto* complainant that the death certificate is prepared by petitioner No.1. Once the Suits pending are decided, the issues would be finally decided on merits. Since *prima facie* case is not made out against the petitioners herein, continuation of proceedings against the petitioners would be an abuse of process of law. Therefore, the proceedings against the petitioners in the present C.Cs. deserve to be quashed.

14. Accordingly, Crl.P.Nos.11805 of 2015 and 6850 of 2021 are allowed and the proceedings against the petitioners in C.C.No.669



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ETD,J
Crl.P.No.11805 of 2015 & batch

of 2015 on the file of learned III Metropolitan Magistrate, Cyberabad at L.B. Nagar, and in C.C.No.48 of 2016 on the file of learned III Metropolitan Magistrate-cum-III Additional Junior Civil Judge, Cyberabad at L.B. Nagar, are hereby quashed.

Miscellaneous Petitions pending, if any, shall stand closed.

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Metropolitan Magistrate Cum III Additional Junior Civil Judge Court, Cyberabad At L.B.Nagar.
2. The Station House Officer, Medipally Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri. N. Pramod, Advocate [OPUC]
5. One CC to M/s. G. Viplav Reddy, Advocate [OPUC]
6. Two CD Copies

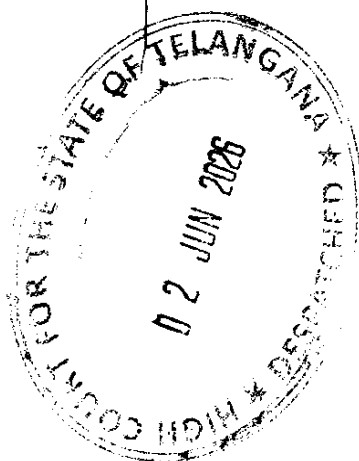
GNK/KA
GNK/KA



2022:TSHC:64463

HIGH COURT

DATED: 03/03/2026



ORDER

CRLP.Nos.11805 OF 2015 & 6850 OF 2021

ALLOWING BOTH CRIMINAL PETITIONS

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Kpr
01/6/26.