

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

Criminal Petition No.16580 OF 2016

Between:

R.Pratap

... Petitioner/A1

And

1. The State of Telangana,
Rep. by its Public Prosecutor ,
High Court for the State of Telangana,
Hyderabad.

2. Smt.Jurru Satyamma

...Respondents/complainant

DATE OF JUDGMENT PRONOUNCED : 25.09.2023

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

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|--|--------|
| 1 Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3 Whether Their Ladyship/Lordship Wish to see their fair copy of the Judgment? | Yes/No |

K.SURENDER, J

*** THE HON'BLE SRI JUSTICE K. SURENDER**

+ CRL.P. No. 16580 of 2016

% Dated 25.09.2023

R.Pratap

... Petitioner/A1

And

\$ 1. The State of Telangana,
Rep. by its Public Prosecutor ,
High Court for the State of Telangana,
Hyderabad.

2. Smt.Jurru Satyamma

... Respondents/complainant

! Counsel for the Petitioner: Sri M.Damodar Reddy

^ Counsel for the Respondents: Sri Public Prosecutor for R1
Sri V.S.R.M.V.Prasad Sanaka for R2

>HEAD NOTE:

? Cases referred

1. 1992 Supplementary (1) SCC 335

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.16580 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 petitioner/A1, to quash the proceedings against him in C.C.No.190/2009 on the file of Judicial First Class Magistrate, Jadcherla. The offences alleged against the petitioner are under Sections 419, 420, 423, 466, 468 and 471 r/w.34 of the Indian Penal Code.

2. Heard both sides.
3. The 2nd respondent filed complaint stating that she was married in childhood and she was not continuing conjugal life with her husband, however, she filed maintenance case and was collecting maintenance amount. From the maintenance amount, she purchased 10.2 acres of land vide document No.1197/1984. Since the date of purchase she was cultivating the land. At the instance of the parents of the 2nd respondent, since the land was purchased with maintenance amount, suspecting that the husband may take the land, she registered the land in the name of her elder brother namely Goda Ramulu. Without knowledge of

the 2nd respondent, the elder brother sold the land to one Abdul Hajeez and Smt.Jelo Fehaduly on 25.02.1995 by registered sale deed. Having come to know of the sale, she approached the Court and filed OS.No.8 of 1994 on the file of District Munsif Court, Mahabubnagar. Even prior to the Judgment in the said suit, the land was sold to the petitioner herein. After the judgment in the said suit, she again approached the Court and filed civil suit against this petitioner/A1 and his vendor namely Abdul Hajeez and Gnana Prakash. A2 was the counsel for the 2nd respondent who colluded with this petitioner and other accused. A fake land registration sale deed was prepared by affixing the photograph of the 2nd respondent and the said document was registered on 11.10.2004. Thereafter, the land was mutated in the ROR. Accordingly, the Police filed charge sheet against this petitioner/A1 and 9 others who are the advocate(A2) and other persons and who are signatories to the document and who were involved in the said transaction.

4. Learned counsel for the petitioner would submit that the suit filed by the 2nd respondent in collusion with her brother resulted in compromise decree dated 20.09.1996 in OS.No.44/1996 and 197/1996 declaring that the complainant is

the owner of the above property. However, Abdul Azeez and Smt.Jelo Fehaduly who are the purchasers of the above land from the brother of the 2nd respondent and also vendors of the petitioner filed OS.No.30/1997 as against the 2nd respondent herein seeking declaration of their title in respect of the above land and the said suit was decreed in their favor by Judgment dated 06.09.2005. 2nd respondent filed AS.No.1/2006 and the same was also dismissed by the Appellate Court by judgment dated 21.07.2011. In view of the above judgment of the civil court, the 2nd respondent is not the owner of the above property and when her name is found in the revenue records, the petitioner to avoid further litigation in the matter, he also obtained the sale deed from the 2nd respondent in addition to purchase of the above property from the above decree holders. Therefore, the 2nd respondent not being the owner of the property, cannot maintain the present complaint that the petitioner created the document in respect of her property. Accordingly proceedings have to be quashed.

5. On the other hand it was argued on behalf of the 2nd respondent that the 2nd respondent was cheated by her counsel, the petitioner herein and others. For the said reason, petition has

to be dismissed, since it is the matter of trial. The trial court would decide after adducing evidence whether a case is made out or not.

6. Admittedly, the issue of transfer of property and the sale transaction were subject matter of the civil suit pending before the Civil Court. Civil Suit was decided against the 2nd respondent. Further the case was carried in appeal which was dismissed by the appellate Court on 21.07.2011. As argued by the learned counsel, when the Civil Court did not identify the 2nd respondent as owner of the property the question of criminal proceedings against this petitioner who is the purchaser of the property does not arise. All the claims made in the present complaint regarding ownership, fabrication of sale deed and collusion between accused in registering the property, were already considered and decided by the Civil Courts against the 2nd respondent.

7. In such circumstances, the 2nd respondent cannot take recourse to criminal proceedings to settle the civil disputes.

8. The Hon'ble Supreme Court in **State of Haryana Vs. Bhajanlal**¹ held as follows;

¹ 1992 Supplementary (1) SCC 335

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding 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.”

9. In view of the aforesaid reasons, the Criminal Petition is allowed and the proceedings against the petitioner in C.C.No.190/2009 on the file of Judicial First Class Magistrate, Jadcherla, are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 25.09.2023

Note: L.R copy to be marked.

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THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.16580 OF 2016

Dt. 25.09.2023

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