

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

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**Criminal Petition No.3731 OF 2020**

Between:

Rachakonda Srinivas Rao

... Petitioner

And

The State of Telangana,  
Rep. by its Public Prosecutor for  
High Court and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 17.08.2023

Submitted for approval.

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

- 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

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*K.SURENDER, J*

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

**+ CRL.P. No.3731 of 2020**

% Dated 17.08.2023

# Rachakonda Srinivas Rao

... Petitioners

And

\$ The State of Telangana,  
Rep. by its Public Prosecutor for  
High Court and another

... Respondents

**! Counsel for the Petitioner:** Sri T.Vijay Hanuman Singh

**^ Counsel for the Respondents:** Public Prosecutor for R1  
Sri S.Ramana Swamy for R2

**>HEAD NOTE:**

**? Cases referred**

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.3731 OF 2020****ORDER:**

1. This Criminal Petition is filed to quash the proceedings in C.C.No.5631 of 2019 on the file of Principal Junior Civil Judge-cum-VIII Additional Metropolitan Magistrate at Kukatpally.

2. The petitioner was working as Joint Sub-Registrar in the Registration Office at Kukatpally. A1 was practicing Advocate in Nampally Court. He colluded with real estate brokers and other persons for the purpose of fabricating documents and selling plots to third parties. The plots were not owned by A1. In the present case, Sy.No.156/1/2 in Mailardevipally limits belongs to TNGOs House Building Cooperative Society Limited. Since it was unguarded, the accused have entered into criminal conspiracy to execute sale deeds. A1 along with other accused forged signatures of President and Secretary of the Society on a resolution, which was prepared on a duplicate letter, duplicate seals and stamps were used to project the document as genuine. Nine sale deed documents were prepared on non judicial stamp papers and executed in favour of the accused Nos.6 to 14. All the said documents were registered on the same day. A2 executed the said

documents using fabricated resolution of the society, while A4 and A5 attested the documents as witnesses, though they were aware that registrations are false and made on the basis of fabricated documents.

3. The allegations against this petitioner is that he in collusion with A1 used photographs of A3 as a purchaser of four documents which are registered sale deeds bearing Nos.5622/16, 5623/16, 5624/2016 and 56225 of 2016 in favour of four witnesses who were examined during investigation. The photograph was that of A3. However, the details and addresses were of the witnesses who were examined. It is alleged that A3 had impersonated and on the very same day, four documents were executed i.e., on 24.05.2016. Further, on the said date, five other documents were also registered by this petitioner at the instance of A1 in favour of A6, A7, A8 and A9, who were accused and another witness who was examined as L.W.5 Suresh Kumar.

4. Though, A2 was no way concerned with the society, on the basis of fabricated documents by A1, he had sold away the plots.

5. Learned counsel appearing for the petitioner would submit that the petitioner was Joint Sub-Registrar. His job was to register

the property in favour of parties who come to the office. It is not the duty of the petitioner to verify about the details of the property and cause any kind of investigation regarding the sellers and purchasers. In fact, the petitioner cannot be prosecuted for any of the offences either under IPC or under the Registration Act, 1908.

6. Learned counsel relied on G.O.Ms.No.119, dated 27.02.2013 to state that the Joint Sub-Registrars or Sub-Registrars had concurrent jurisdiction over areas specified in the G.O. For the said reason, it cannot be said that the registrations which were done were not within the jurisdiction of the petitioner in accordance with the G.O. It cannot be said that there was any kind of fraudulent intention to register the deeds.

7. Learned counsel appearing for the 2<sup>nd</sup> respondent argued that the petitioner had registered nine documents on the very same day which itself would indicate that he was in collusion with the other accused. The photograph of A3 was reflected in four different documents as purchaser. It cannot be said that the petitioner did not even observe the said aspect and had without any fraudulent intention registered the documents.

8. As seen from the oral and documentary evidence collected during the course of investigation, nine documents were registered on 24.05.2016. In four registrations, A3's photograph was affixed as purchaser with different names and addresses. Likewise, six other documents were also registered on the same day in respect of the same society. In the present facts, it cannot be said that the petitioner as registering officer could not observe that the very same person was appearing as purchaser in four different documents with different names. In the event of there being a solitary instance of registration of document, defence of the petitioner is understandable. However, in the present circumstances when 9 registrations were done as stated above, there arises a very strong suspicion of the petitioner being involved along with the other accused in registering the said documents.

9. Section 81 of the Registration Act, 1908 reads as follows:

“81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.—Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.”

10. Registering officer who deliberately or intentionally does any act of endorsing, copying, translating or registering any document and such acts attract any penal provisions under IPC, is liable to be prosecuted.

11. The circumstances in the case clearly indicate that this petitioner was part of the criminal conspiracy and in pursuance of such conspiracy has registered the documents. Conspiracies are hatched in secrecy and there cannot be any direct evidence. However, in the present case, the circumstances clearly indicate that the petitioner was involved in registering documents having knowledge about its falsity.

12. Having found that there is a strong suspicion of involvement of this petitioner along with other accused to commit offences under Indian Penal Code as well as under Registration Act, G.O.Ms.No.119 dated 27.02.2013 produced by the learned counsel to support his argument that the land where the alleged plots were registered falls within petitioner's jurisdiction is of no consequence.

13. Learned counsel for the petitioner also raised the ground of there being no sanction under Section 197 of Cr.P.C, for which

reason the Court cannot proceed against the petitioner. Section 197 of Cr.P.C reads as follows:

*“197 Prosecution of Judges and public servants.*

*(1) When any person who is or was a Judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction-“*

14. A reading of Section 197 of Cr.P.C would clarify the situation when sanction is needed. A public servant alleged to have committed an offence while acting or purporting to act in discharge of his official duty commits any offence without any intent requires sanction. The words *“while acting or purporting to act in the discharge of his official duty”* would mean that the public servant while discharging his duty commits any acts attracting penal consequences, though done unintentionally would require sanction. Entering into criminal conspiracy with other accused and registering documents causing wrongful loss to persons and thereby wrongful gain to the co-conspirators will not entail any protection under Section 197 of Cr.P.C.

For the said reasons, both on facts and on law, no case is made out to quash the proceedings against the petitioner.



15. Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous applications, if any, shall stand closed.

Date: 17.08.2023

Note: LR copy to be marked.

B/o.kvs

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**K.SURENDER, J**

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

**CRIMINAL PETITION No.3731 OF 2020**

**Dt. 17.08.2023**

kvs