

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

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**Criminal Petition No.10872 OF 2022**

Between:

J.Satyanarayana

... Petitioner

And

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

... Respondents

DATE OF JUDGMENT PRONOUNCED: 15.03.2023  
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 the fair copy of the Judgment? Yes/No

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**K.SURENDER, J**

\* THE HON'BLE SRI JUSTICE K. SURENDER

+ CrI.P.No.10872 of 2022

% Dated 14.02.2023

# J.Satyanarayana

... Petitioner

And

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

... Respondents

**! Counsel for the Petitioner:** Ms.Vedula Chitralkha

**^ Counsel for the Respondents:**

1) Sri S.Sudershan, Additional Public  
Prosecutor for R1

2) Sri Nalin Kumar, learned Senior Counsel

**>HEAD NOTE:**

**? Cases referred**

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.10872 OF 2022****ORDER:**

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.,C. '), is filed by the petitioner/A3 to quash the proceedings against him in FIR No.182 of 2022, dated 05.09.2022 on the file of Central Crime Station, Hyderabad. The offences alleged against the petitioner/A3 are under Sections 420, 465, 468, 471 r/w.34 of the Indian Penal Code.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

3. The 2<sup>nd</sup> respondent filed a complaint stating that the official record of the GHMC was falsified by this petitioner and two others. According to the 2<sup>nd</sup> respondent, M/s.Aditya Traders (Electrical Parts Shop), situated at 5-1-555/1, Troop Bazar, Sayed Jung Lane, Jambagh, Hyderabad, is being run as a Proprietary concern since 1989. A2-sister and A3-Brother/petitioner of 2<sup>nd</sup> respondent, having knowledge that the shop is a Proprietary Concern, have made false claim that it is a Partnership Concern and fabricated a false provisional trade licence dated 12.05.2015 by tampering the electronic data of GHMC. The said document was filed in OS.No.298

of 2015 on the file of the X Additional Chief Judge, City Civil Court, Hyderabad, and was marked as Ex.P59 in the evidence of K.Indravathi/A2. The complainant further states his sister and this petitioner-brother are collectively liable to be prosecuted for tampering the official electronic data and for uploading forged and fabricated documents.

4. On a complaint made to the Commissioner and Zonal Commissioner of GHMC, an enquiry was conducted by the Vigilance Team and found that the EXP-59 which is a Trade Licence dated 12.05.2015 with TIN No.042-024-0260 showing the name of M/s.Aditya Traders as 'J.J.Om Prakash & others', is proved to be false.

5. Learned Senior Counsel Sri Vedula Srinivas, appearing for the petitioner would submit that the petitioner herein is arrayed as an accused without there being any allegations, only for the reason of this petitioner supporting his sister in the civil suit, the present complaint is filed. The document is already filed before the concerned Court and it is for the said Court to decide about the correctness or otherwise of the document and the same cannot be filed as a criminal Complaint and Police cannot investigate.

6. On the other hand, learned Senior Counsel Sri Nalin Kumar, appearing for the 2<sup>nd</sup> respondent would submit that it is a case wherein the document was fabricated and filed into the Court in such an event, when the document was fabricated and thereafter filed into the Court, criminal complaint is maintainable for the said offences. For the said reason, when the crime is being investigated, this court cannot thwart investigation.

7. Admittedly, civil suits are pending in between the 2<sup>nd</sup> respondent and family members. According to the complaint his sister and this petitioner/brother in connivance with one Vikas Kumar who is an out sourcing operator at Goshamahal had created a fake document which was Provisional Trade Licence and marked as Ex.P59 in the civil suit. Except stating that Vikas Kumar/A1 an outsourcing employee in GHMC, Indravathi/A2 sister of 2<sup>nd</sup> respondent and this petitioner/A3-brother of 2<sup>nd</sup> respondent are collectively liable, there is no mention of the role played by this petitioner in the alleged fabrication of the Trade Licence in any manner.

8. The said trade licence was marked through Accused No.2 during the course of trial as Ex.P59. The evidence of the Deputy Commissioner Officer, Sultan Bazar is also filed. The said Deputy

Commissioner stated about partnership firm. On the requisition made by this petitioner under RTI Act about Aditya Traders, TIN No.042-024-0260 in the House bearing No.5-1-/1, Troop bazaar, information was furnished stating that according to the record it is a partnership firm consisting of Smt.Kalavathi, Sri J.Ramesh as partners. The said document is exhibited as Ex.P58. The alleged fabricated document is filed. It does not reflect that this petitioner is a partner. In Ex.P59 which is now disputed it is mentioned as "J.J.Omprakash & others".

9. The dispute is that the 2<sup>nd</sup> respondent is the Proprietor of M/s.Aditya Traders, a Proprietary Concern, and this petitioner/brother of 2<sup>nd</sup> respondent and sister of 2<sup>nd</sup> respondent claimed that it is a partnership firm. The matter is already before the concerned Civil Court. Even according to the complaint the allegation of fabrication is not against this petitioner.

10. To attract an offence of cheating there has to be an act of fraudulent deception pursuant to which property must have been delivered. No such allegation is made against this petitioner.

11. The alleged fabrication of the Trade Licence is made against this petitioner on an assumption that he along with his sister/A2 sought the help of Vikas Kumar/A3, who fabricated Ex.P59 by

making entries in the GHMC records, as such, the penal provision of Section 468 of the Indian Penal Code is not attracted, in so far as the petitioner is concerned.

12. To attract an offence under Section 471, the document has to be used as genuine having knowledge about the document being fabricated. It is nowhere mentioned that this petitioner had in any manner used the Trade Licence before any authority.

13. Since none of the ingredients of any of the provisions under Section 420, 468 and 471 are made out against this petitioner, this Court deems it appropriate to quash the proceedings.

14. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner/A3 in FIR No.182 of 2022, dated 05.09.2022 on the file of Central Crime Station, Hyderabad, are hereby quashed.

Miscellaneous applications, if any pending, shall stand closed.

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**K.SURENDER, J**

Date: 15.03.2023

Note: L.R copy to be marked.

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

**CRIMINAL PETITION No.10872 OF 2022**

**Dt.15.03.2023**

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