
(2021) 11 TEL CK 0048
In the Telangana High Court
Case No : Criminal Petition No. 13700 Of 2018

Chandra Gupta Talreja

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 23-11-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Code Of Criminal Procedure, 1973 — Section 155(2), 156(1), 156(3), 482

Indian Penal Code, 1860 — Section 34, 324, 420, 468, 471, 506

Citation : (2021) 11 TEL CK 0048

Hon'ble Judges : G. Sri Devi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

The petitioners, who are Accused Nos.1 to 6, in C.C.No.230 of 2018 on the file of the XVII-Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, filed this Criminal Petition under Section 482 Cr.P.C. to quash the proceedings against them in the above C.C, arising out of Crime No.39 of 2017 of Begumbazar Police Station, Hyderabad City.

The facts, which led to filing of the present Criminal Petition, are that the 2nd respondent/complainant (hereinafter referred to as the "2nd respondent") filed a private complaint against the petitioners/A-1 to A-6 before the XVII Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 420, 468, 471, 451, 324, 506 read with Section 34 of I.P.C., and the same was referred to the police under Section 156 (3) of Cr.P.C. for investigation and report. Basing on the said reference, the police, Begumbazar Police Station, Hyderabad City, registered a case in Crime No.39 of 2017 and took up investigation. After completion of investigation, the police filed charge sheet. The allegations in the charge sheet are that the 2nd respondent is the wife of Shrichand Kumar Talreja and in the year 1970, A-1 and her husband and her father-in-law, V.G.Talreja, constituted a Firm by name Pamul Industries and got it

registered with the Registrar of Firms vide Registration No.964 of 1970, dated 25.02.1970. Thereafter, A-1 with dishonest intention to cheat the husband of the 2nd respondent and to grab the share, submitted Form No.V i.e., notice of change in the constitution of Firm or of the dissolution of the Firm without the knowledge of the husband of the 2nd respondent by showing the name of the husband of the 2nd respondent as Outgoing Partner with forged signature and included the names of A-2 and one Rajendra Kumar in the said Firm, dated 18.08.1988, as Incoming Partners, but it was rejected due to mismatch of signatures of the husband of the 2nd respondent. Again A-1 in collusion with A-2 prepared an affidavit and filed it before the Registrar of Firms stating that the signature submitted is that of the present signature of the husband of the 2nd respondent. In the year 1993, A-1 submitted Form No.V and mentioned the names of A-2 and Rajendra Kumar as outgoing partners and took the entire Firm in the names of A-1 and late V.G.Talreja, father-in-law of the 2nd respondent. It is also stated that in the year 1999, V.G.Talreja expired and in the year 2010, A-1 submitted Form No.V by mentioning that A-2 is Incoming Partner and V.G. Talreja was Outgoing Partner and got it registered in the name of A-1. Thereafter, the husband of the 2nd respondent died on 15.02.2015 and after the death of her husband, 2nd respondent demanded her share, but the accused refused the same. It is further alleged in the charge sheet that on 01.01.2017 at about 8.30 P.M., when the 2nd respondent and her family members were present in the house, the petitioners came to her house and forced her to sign on N.O.C., and when she refused the same, A-1 beat her and abused her in filthy language and threatened with dire consequences and fled away from the spot. A-1 to A-4 are the present owners of Firm titled as Pamul Industries, which clearly shows that A-1 and A-2 colluded with each other with dishonest intention to cheat the 2nd respondent and her family members in order to grab the share of the husband of the 2nd respondent by forging the signatures of the husband of the 2nd respondent and transferred into their names and when they questioned about their share, they beat one Dinesh Sharma and threatened with dire consequences. The said charge sheet was taken cognizance as C.C.No.230 of 2018.

Heard the learned Counsel appearing on either side and perused the record.

Learned Counsel for the petitioners would submit that petitioners 1 and 2 are the brothers and children of late Vishnu Das Talreja; petitioners 3 and 4 are the children of petitioners 2 and 1 respectively and petitioners 5 and 6 are the wives of petitioners 1 and 2 respectively and the 2nd respondent is the wife of late Srichand Kumar, who is the brother of petitioners 1 and 2. It is submitted that even as per the records produced by the prosecution in support of the charge sheet would show that Pamul Industries was registered in the year 1970 with three partners namely V.G. Talreja, Srichand Talreja and Chandra Gupta Talreja; In the year 1977, Srichand Talreja resigned from the partnership firm and new partners were inducted; In the year 1988, Form No.5 was submitted to the Registrar of Firms showing that late Srichand Talreja has resigned from the

partnership firm and his account was settled and subsequently an affidavit was also submitted by him to the Registrar of Firms, confirming his signature on Form No.5. That being the case, the present complaint against the petitioners is that the signature on Form No.5 and affidavit executed way back in the year 1988 are alleged to have been forged and the said fact is being challenged by the petitioners on the grounds that (a) the forensic report submitted by the prosecution shows that the questioned signatures Q1 and Q2 pertain to both the Form No.5 and affidavit and out of these questioned signatures, only signature on affidavit was verified with the standard signatures but not the signature on Form No.5 i.e., Q1 and no explanation has been given by the prosecution on this aspect; (b) Exhibit Q2 was also not examined or compared with contemporary signatures of the year 1977 or the latest 1988. These questioned signatures were compared with driving licence, passport, permission plan etc., which cannot contain the original signature of late Srichand Talreja, but are the impressed signatures. Therefore, comparison of the questioned signatures with imprinted signatures on the above documents which were not original, cannot be compared to come to a conclusion; (c) the alleged offence is of the year 1977 and 1988, even taking the later date, the complaint was lodged in the month of January, 2017, which is more or less 28 to 38 years old and the petitioners 3 and 4 were obviously not even born at the alleged time of offence and were happened to be children and as such, they cannot be fastened with the allegations of forgery and that there is no whisper, as to why there is a considerable delay in lodging the present complaint. It is further submitted that the petitioners have also submitted Will deed executed by V.G.Talreja vide document No.105/1999 dated 26.07.1999; Will deed of Srichand Kumar Talreja vide document NO.37/2007 dated 09.03.2007; Bunch of assessment orders of Sales Tax pertaining to Pamul Industries between 1984-1989; copies of income tax returns of late Srichand Kumar Talreja for three years 2012-2015 and copy of the plaint in O.S.No.972 of 2017, but the said documents were not looked into by the police. In Vidya Dharmananda and others v. Gopal Sheelam Reddy AIR 2017 SC 5846, wherein the Apex Court held that the Court has to proceed on the basis of the material produced with the charge sheet for dealing with the issue of charge, but if the Court is satisfied that there is material of sterling quality which has been withheld by the investigator, the Court is not debarred from summoning or relying upon the same even if such documents are not part of charge sheet. It is also submitted that a perusal of the above documents clearly indicates that they are public documents obtained from competent authorities and belonging to the deceased Srichand Talreja and the 2nd respondent and as such, the 2nd respondent has not denied the said documents. Further, a perusal of the documents, it can be seen that the conduct of the parties are contrary to the allegations made by the 2nd respondent that her husband is continued to be a partner of Pamul Industries and that his signatures have been forged for his retirement, but the above documents indicated contra to the claim of the 2nd respondent as the Sales Tax Returns for a number of years do not show the name of Srichand Kumar Talreja as a partner of Pamul Industries. It is further

submitted that the income tax returns of late Srichand Kumar Talreja also do not show that he has shown any income from partnership firm and if at all, he was a partner, he would have shown the income from this firm in his income tax returns. It is also submitted that in the will deed executed by late Srichand Kumar Talreja, it is shown that he bequeathed his properties to various people, but there is no whisper about this partnership firm. The will deed executed by V.G.Talreja, father of Srichand Kumar Talreja and petitioners 1 and 2, shows that Srichand Kumar Talreja is not partner and there is a reference to bequeath his capital in Pamul Industries to Chandra Gupta Talreja and Ashok Kumar Talreja (petitioners 1 and 2) being the only partners. Even in O.S.No.792 of 2017 filed by the 2nd respondent before the XXV Additional Chief Judge, City Civil Court, Hyderabad, the 2nd respondent at paragraph No.4 of her claim, has admitted that there is a joint family business in the name and style of Pamul Industries, thereby contradicting her own claim that the same is a partnership firm where her husband was a partner of the firm. These documents clearly and clinchingly establish that the 2nd respondent has filed a false case only to harass the petitioners. It is also submitted that even as per the alleged incident that is supposed to have taken place on 01.01.2017, the same is clouded with suspicion and falsity. A medico legal report submitted by the prosecution itself shows that an M.L.C. certificate was issued by the doctor on 01.01.2017. The authenticity of the said document is also prima facie in doubt i.e., to say that the said document contains an endorsement that the patient was accompanied by a police constable of Begum Bazar (P.C.No.9174) in the casualty O.P.No.236, but surprisingly, there is no F.I.R. or even petty case registered in consequence to this alleged M.L.C. case and there is also no G.V. entry pertaining to this particular M.L.C. case. That being the case, the very document which the prosecution is relying upon to bring upon the charge of assault alleged to have occurred at the house of the 2nd respondent is found to be baseless and fabricated. It is further submitted that as far as the charge of Section 420 of I.P.C. is concerned, it is an admitted and unreliable fact that at no point of time, the petitioners have met the 2nd respondent and have induced her to part with any amounts and the very fact that there was no contractual or social contract or relationship between the petitioners and the 2nd respondent and the basic element of offence under Section 420 of I.P.C. is not existing and as such the charge cannot stand against the petitioners. Insofar as the charge of forgery is concerned, relying upon the judgment of the Apex Court in *Shiela Sebastian v. R.Jawahar* (2018) 7 SCC 581 learned Counsel for the petitioners would submit that the question of maintaining the complaint against the petitioners under Sections 468 and 471 of I.P.C. does not arise. Relying upon the judgment of the Apex Court in *Randheer Singh v. State of U.P.* Manu/SC/0859/2021, learned Counsel for the petitioners would submit that since there is civil litigation already pending and that the 2nd respondent is using the criminal procedure process only to harass the petitioners, he prayed to quash the proceedings against the petitioners.

Reiterating the allegations made in the complaint, learned Counsel for the 2nd

respondent would submit that the complaint was lodged immediately after knowing about the forgery made by A-1 and A-2 and, therefore, the contention of the petitioners that there is abnormal delay in lodging the complaint does not stand and the same has to be decided in the trial since the limitation aspect is a mixed question of law and fact. It is also submitted that the charge sheet was filed when it was categorically found that the signatures in question and the standard signatures are not by single person, as such, the argument of the petitioners that the signatures were not compared with contemporaneous signatures is again a triable issue and the fact finding Court can only conclude the same after examining the witnesses. It is further submitted that the contention of the petitioners that constable was not accompanied when the injured was treated as out-patient also does not stand to the scrutiny since P.C.No.9174 of P.S. Begum Bazar had accompanied the injured Dinesh Sharma to the Hospital and Dr.B.Shankar had treated and issued the Wound Certificate and the original Medico Legal Record Certificate was obtained by the Investigating Officer and, therefore, the contention of the petitioners that the same was handed over to the patient is incorrect or for that matter the said certificate was produced by the 2nd respondent. It is also submitted that the various documents filed by the petitioners seeking to quash the proceedings in C.C.No.230 of 2018 are all unconcerned documents of the offences alleged against the petitioners in the charge sheet and the documents sought to be relied upon by the petitioners should only be considered on examining the witnesses, who are concerned with the said documents by the trial Court. It is further submitted that the petitioners sought to rely upon the Will of the husband of the 2nd respondent, but that can only be considered at the time of trial and that the contents of the Will cannot be the ground to quash the proceedings in C.C. without examining the witnesses to speak about the Will. It is further pertinent to submit that the son of the 2nd respondent had sought information under R.T.I. Act from the office of the Registrar, Red Hills, Hyderabad, to produce the copy of the alleged Will, but it was informed that there is no original Will Deed copy said to have been deposited, hence the allegation of execution of Will does not arise and further the contentions of the petitioners shall not be considered for the purpose of quashing the proceedings. It is also submitted that the petitioners sought to rely upon the Income Tax Returns of the husband of the 2nd respondent, but the said Income Tax Returns cannot be put into service to quash the offences against the petitioners and that the said Income Tax Returns shall be filed purely for a different purpose and the same shall not be used to disprove the allegations in the charge sheet. It is further submitted that after filing the present quash petition, the petitioners filed CrI.M.P.No.1004 of 2019 in C.C.No.230 of 2018 before the trial Court seeking discharge. By an order, dated 12.07.2019, the trial Court dismissed the said discharge petition. Aggrieved by the same, the petitioners filed CrI.R.P.No.127 of 2019 before the VII-Additional Metropolitan Sessions Judge, Hyderabad. By an order, dated 21.10.2017, the said revision was dismissed holding the quash petition is pending before this Court. It is also submitted that the industry for which reconstitution is affected on forging the

signatures by the petitioners 1 and 2 is not claimed in a suit as his property is altogether a different issue and the charge sheet shall not be quashed without there being conclusion in a trial after examination of witnesses and that the pendency of civil suit shall not deter initiation of criminal proceedings. It is also submitted that the material produced and the charge sheet laid by the prosecution prima facie proved that the petitioners have committed the offences as stated in the charge sheet and the same are to be decided in a trial alone by examining the witnesses and the case do not fall under the category of rarest of rare cases. In support of his contentions, he relied on the judgments of the Apex Court in C.P.Subhash v. Inspector of Police, Chennai (2013) 11 SCC 559; Priti Saraf and another v. State of NCT of Delhi 2021 SCC Online SC 206 and Central Bureau of Investigation (CBI) and another v. Thommandru Hannah Vijayalakshmi @ T.H.Vijayalakshmi and another CrI.A.NO.1045/2021 SC, dt. 08.10.2021.

In the light of the submissions of the learned Counsel for the respective parties, the following case laws are necessary to be referred:-

In Devendra v. State of U.P. (2009) 7 SCC 495, the Apex Court held as under:

"A distinction must be made between a civil wrong and a criminal wrong. When dispute between the parties constitute only a civil wrong and not a criminal wrong, the courts would not permit a person to be harassed although no case for taking cognizance of the offence has been made out."

In Joseph Salvaraja vs. State of Gujarat and others (2011) 7 SCC 59 Hon'ble the Apex Court has held as under:

"Thus, from the general conspectus of the various sections under which the Appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the Complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge could have still examined whether the offences alleged to have been committed by the Appellant were prima facie made out from the complainant's FIR, charge sheet, documents etc. or not.

In our opinion, the matter appears to be purely civil in nature. There appears to be no cheating or a dishonest inducement for the delivery of property or breach of trust by the Appellant. The present FIR is an abuse of process of law.

The purely civil dispute, is sought to be given a colour of a criminal offence to wreak vengeance against the Appellant. It does not meet the strict standard of proof required to sustain a criminal accusation.

The Appellant cannot be allowed to go through the rigmarole of a criminal prosecution for long number of years, even when admittedly a civil suit has already been filed against the Appellant by the Complainant-Respondent No. 4, and is still subjudice. In the said suit, the Appellant is at liberty to contest the same on grounds available to him in accordance with law as per the leave granted by Trial Court. It may also be pertinent to mention here that the complainant has not been able to show that at any material point of time there

was any contract, much less any privity of contract between the Appellant and Respondent No. 4 - the Complainant. There was no cause of action to even lodge an FIR against the Appellant as neither the Complainant had to receive the money nor he was in any way instrumental to telecast "GOD TV" in the central areas of Ahmedabad. He appears to be totally a stranger to the same. Appellant's prosecution would only lead to his harassment and humiliation, which cannot be permitted in accordance with the principles of law."

In Mohammed Ibrahim and others vs. State of Bihar and another (2009) 8 SCC 751 Hon'ble the Apex Court has held as under:

"This Court has time and again drawn attention to the growing tendency of complainants attempting to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity towards the accused, or to subject the accused to harassment. Criminal courts should ensure that proceedings before it are not used for settling scores or to pressurise parties to settle civil disputes."

I have considered the respective submissions made by both the learned Counsel appearing for the parties and I have also gone through the relevant case laws and also the case laws cited by both the parties. The following are the main points for consideration by this Court.

1. Whether in exercise of power under Section 482 Cr.P.C., this Court can enter into the controversy that any case is made out against the petitioners or not?
2. Whether a criminal colour has been given to a dispute of civil nature, which is not permitted under the provisions of law?

The scope and exercise of powers under Section 482 Cr.P.C. has time and again come before the Apex Court. It is settled position of law that the power under Section 482 Cr.P.C. has to be exercised sparingly, carefully and with great caution. It is also settled position of law that if any abuse of the process leading to injustice is brought to the notice of the court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute.

In R.P. Kapoor v. State of Punjab AIR 1960 SC 866 the Hon'ble Apex Court has specifically held that if there is legal bar against the institution or continuance of the proceedings or there is no legal evidence to prove the charge, then the power under Section 482 Cr.P.C. can be exercised.

In this regard, the land mark judgment is the State of Haryana v. Bhajan Lal (1992) SCC (Cri.) 426 in which Hon'ble Apex Court has laid down the following guidelines.

"In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under

Article 226 or the inherent powers Under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.
2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code.
3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155 (2) of the Code.
5. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
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."

In *Indian Oil Corporation v. NEPC India Limited and others* (2006) 6 SCC 736

the Apex Court reviewed the precedents on the exercise of jurisdiction under Section 482 of Cr.P.C. and formulated guiding principles in the following terms.

"(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out : (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not."

In *Inder Mohan Goswami v. State of Uttaranchal* (2007) 12 SCC 1 the Apex Court observed as under:

"46. The Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurize the Accused. On analysis of the aforementioned cases, we are of the opinion that it is neither possible nor desirable to lay down an inflexible Rule that would govern the exercise of inherent jurisdiction. Inherent jurisdiction of the High Courts Under Section 482 Code of Criminal Procedure though wide has to be exercised sparingly, carefully and with caution and only when it is justified by the tests specifically laid down in the statute itself and in the aforementioned cases. In view of the settled legal position, the impugned judgment cannot be sustained."

In *Randheer Singh v. The State of U.P. and others* Manu/SC/0859/2021 the Apex Court observed as under:

"33. In this case, it appears that criminal proceedings are being taken recourse to as a weapon of harassment against a purchaser. It is reiterated at the cost of repetition that the F.I.R. does not disclose any offence so far as the appellant is concerned. There is no whisper of how and in what manner, this appellant is involved in any criminal offence and the charge sheet, the relevant part whereof has been extracted above, is absolutely vague. There can be no doubt that jurisdiction under Section 482 of the Code of Criminal Procedure should be used sparingly for the purpose of preventing abuse of the process of any Court or otherwise to secure the ends of justice. Whether a complaint discloses criminal offence or not depends on the nature of the allegation and whether the essential ingredients of a criminal offence are present or not has to be judged by the High Court. There can be no doubt that a complaint disclosing civil transactions may also have a criminal texture. The High Court, has, however, to see whether the dispute of a civil nature has been given colour of criminal offence. In such a situation, the High Court should not hesitate to quash the criminal proceedings as held by this Court in *Paramjeet Batra v. State of Uttarakhand* (2013) 11 SCC 673.

35. The given set of facts may make out a civil wrong as also a criminal offence. Only because a civil remedy is available may not be a ground to quash criminal proceedings. But as observed above, in this case, no criminal offence has been made out in the F.I.R. read with the charge sheet so far as this appellant is concerned. The other accused Rajan Kumar has died."

In the instant case, the case of the 2nd respondent/de facto complainant is that in the year 1970, the 1st petitioner, her husband and her father-in-law by name V.G. Talreja constituted a firm namely Pamul Industries and got it registered with the Registrar of Firms; thereafter A-1 with a dishonest intention to cheat her husband and to grab the share, submitted Form No.IV i.e., notice of change in the constitution of firm by forging the signature of her husband.

A perusal of the record would show that the husband of the 2nd respondent died on 15.02.2015. The husband of the 2nd respondent executed a Will Deed, which was registered on 09.03.2007 and nothing has been mentioned in the said Will Deed with regard to Pamul Industries. Further, in the income tax returns also, the husband of the 2nd respondent did not refer anything about the income earned by him in Pamul Industries. The record further discloses that on 29.04.1990 an affidavit has been filed by the husband of the 2nd respondent stating that on 31.03.1977, he has retired from the partnership firm and all the claims accruing to him as on the date of his retirement were settled amicably by the said concern. It is not the case of the 2nd respondent that the signature of her husband on the said affidavit is forged by the petitioners. The case of the 2nd respondent is that the signature of her husband in the affidavit dated 25.10.1988 has been forged by the petitioners. If the signature of the husband of the 2nd respondent on the affidavit dated 25.10.1988, has been forged by the petitioners, the husband of the 2nd respondent did not file an affidavit on

29.04.1990 before the Registrar of Trade Marks, Bombay. The record also discloses that after the death of the husband of the 2nd respondent, she along with her children got issued a legal notice to the petitioners 1 and 2 and others on 27.03.2016, calling upon them to effect partition of the joint family properties and industry by metes and bounds and to allot 1/6th undivided legitimate share to them. In the said legal notice, there was no reference that the signature of the husband of the 2nd respondent on the affidavit dated 25.10.1988 has been forged by the petitioners 1 and 2. After receiving the said legal notice, the petitioners 1 and 2 and others, got issued a reply notice, dated 30.05.2016 stating that in the Will Deed executed by V.G.Talreja (father-in-law of the 2nd respondent) in the year 1993, which was deposited with the Joint Registrar-I, Registration Office, Hyderabad and the same was opened on 20.07.1999 after the death of V.G.Talreja, it has been categorically mentioned therein that "My two sons namely Gurumukh Das Talreja and Srichand Talreja (husband of the 2nd respondent) are separated from me, more than 20 years ago and are living separately, who are in no way concerned or connected to me and hence, not given any share in my properties under this Will". Therefore, after receiving the reply notice, the 2nd respondent filed the private complaint in order to pressurize the petitioners to make partition of the properties left by V.G.Talreja.

That apart, the 2nd respondent, along with her children filed O.S.No.972 of 2017 before the XXV Additional Chief Judge, City Civil Courts, Hyderabad, seeking to declare the Will Deed executed by the father-in-law of the 2nd respondent as null and void and not binding on the parties and also sought for partition of Schedule "A" to "I" properties, and the same is pending. The 1st petitioner is defendant No.4 and the 2nd petitioner is defendant No.5 in the said suit. Further, Item 'I' of the suit schedule property mentioned in O.S.No.972 of 2017 is Pamul Industries, which is the subject matter in this C.C. The petitioners 1 and 2 and others have filed I.A.No.2014 of 2017 in the said suit for rejection of the plaint and the 2nd respondent filed counter stating that they are in the joint possession of the suit schedule properties and the defendants therein with an intention to deprive the legitimate share over the properties making false and baseless statements and they have ample evidence to prove their case. From the above, it is clear that there is a dispute with regard to the title, possession and enjoyment of the subject property and, therefore, the contentions raised by the petitioners have some substance. Apparently, it seems that the matter is of purely civil nature, which is to be determined by a competent civil Court.

Insofar as the alleged incident took place on 01.01.2017, it is the case of the 2nd respondent that on 01.01.2017 at about 8.30 P.M., when she and her family members were at her residence, the petitioners trespassed into the house with sticks in their hands, abused her and her family members in filthy language and when her son-in-law by name Dinesh Sharma tried to stop the petitioners, the 1st petitioner slapped her, petitioners 3 and 4 abused him and petitioners 5 and 6 caught hold the hair of the 2nd respondent. But a perusal of the Medico Legal Report filed by the prosecution would show that M.L.C. Certificate was issued by

the doctor on 01.01.2017 and the said Certificate contains an endorsement that the patient by name Dinesh Sharma was accompanied by a police constable No.9174 of Begum Bazar to the casualty O.P.No.236. The F.I.R. was registered on the reference of the private complaint filed by the 2nd respondent on 16.01.2017. There is no F.I.R. or even a petty case was registered on the date of incident alleged to have been occurred on 01.01.2017. Therefore, the allegation with regard to the alleged incident on 01.01.2017 prima facie found to be false.

On over all consideration of entire material placed on record and the contentions urged before this Court by the learned Counsel for the petitioners and learned Counsel for the 2nd respondent and the law declared by the Apex Court in the judgments referred supra, it is suffice to conclude that the contentions raised by the learned Counsel for the 2nd respondent are without any substance and the material produced before this Court, directly indicates the mala fides in prosecution of criminal proceedings against the petitioners, so also, by abuse of process of the Court and as an arm-twisting method to bring the petitioners to the terms of the 2nd respondent and to cloak a civil dispute with criminal nature, she has resorted to criminal litigation.

In view of my foregoing discussion, I find that it is a fit case to exercise inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings against the petitioners.

For the aforementioned reasons, the Criminal Petition is allowed and the proceedings in C.C.No.230 of 2018 on the file of the XVII-Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, against the petitioners/ A-1 to A-6 for the offences punishable under Sections 420, 468, 471, 451, 324, 506 read with Section 34 of I.P.C. are hereby quashed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand dismissed.