
(2012) 01 AP CK 0021

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 538 of 2012

Murala Venkata Ratnam Rao

APPELLANT

Vs

The State of A.P. and Another

RESPONDENT

Date of Decision : 23-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 482
Penal Code, 1860 (IPC) — Section 420, 464, 468

Citation : (2012) 01 AP CK 0021

Hon'ble Judges : B. Seshasayana Reddy, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B. Seshasayana Reddy

1. This Criminal Petition has been taken out u/s 482 Cr.P.C. by the sole accused in C.C.No.81 of 2011 on the file of the Additional Judicial Magistrate of First Class, Gudiwada, Krishna District, to quash the proceeding therein.

2. 2nd respondent Manda Naga Pushpavathi filed a complaint before the Additional Judicial Magistrate of First Class, Gudiwada, alleging, inter alia, that the petitioner being a tenant of Repudi Varalakshmi fabricated non-possessionary agreement of sale and subsequently obtained a regular sale deed in his name, dated 02.05.1984. The complaint came to be forwarded to the Station House Officer, Gudlavalleru Police Station u/s 156(3) Cr.P.C. Thereupon, the Station House Officer, Gudlavalleru Police Station, registered a case in Crime No.4 of 2010 for the offence under Sections 420, 464 and 468 IPC. After completing the investigation, a charge-sheet came to be presented before the Additional Judicial Magistrate of First Class, Gudiwada, who took the charge-sheet on file as C.C.No.81 of 2011. Hence, this Criminal Petition by the sole accused u/s 482 Cr.P.C. seeking the relief stated supra.

3. Heard learned counsel appearing for the petitioner and perused the material

brought on record.

4. Learned counsel appearing for the petitioner submits that the de facto complainant-2nd respondent has filed O.S.No.122 of 2010 on the file of the Senior Civil Judge, Gudiwada, against the petitioner and two others and since the civil Court ceased of the matter, continuation of criminal proceedings against the petitioner amounts to abuse of process of Court.

5. I have gone through the charge-sheet averments. The 2nd respondent herein presented a complaint against the petitioner alleging that the petitioner fabricated an agreement of sale, dated 02.05.1984 and subsequently, got it validated. The police after due investigation, found the contents of the complaint averments, prima facie, true and accordingly, filed the charge-sheet. Since the material gathered during the course of investigation fortifies the averments of the complaint filed by the 2nd respondent, the proceedings in C.C.No.81 of 2011 on the file of the Additional Judicial Magistrate of First Class, Gudiwada, Krishna District, cannot be quashed by invoking the provisions of Section 482 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.