

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.6253 of 2013

ORDER:

The petitioner who is A.1 in Crime No.70 of 2013 on the file of Hindupur I-Town Police Station, Anantapur District registered for the offences punishable under Section 466, 468 & 471 r/w Section 34 IPC, filed this petition under Section 482 of Cr.P.C. seeking to quash the proceedings against him.

The allegation against the petitioner herein is that he communicated a copy of an order to the Sub-Registrar, Hindupur as if an order of interim injunction was passed in his favour and thereby informed the Sub-Registrar that the property in question should not be alienated to third party. The allegation of the de facto complainant is that the order copy communicated to the Sub-Registrar is forged one and on the basis of the said forged document, the petitioner wanted to show it as genuine and thereby committed the offence alleged in the complaint.

Heard the learned counsel for the petitioner, learned Additional Public Prosecutor and learned counsel appearing for the second respondent-de facto complainant. Perused the material available on record.

When the matter is posted for hearing, the copy of order which is alleged to have been forged by the petitioner as well as the copy of order that was originally passed by the competent Court are produced before this Court. Admittedly, on the particular date on which the alleged forged order copy was communicated to the Sub-Registrar regarding an order passed in I.A.No.138 of 2012 in O.S.No.8 of 2005 on the file of Additional Judge, Hindupur, the learned judge, in fact, passed an order in favour of the petitioner herein. A copy of said order was also dispatched to the Sub-Registrar, Hindupur vide dispatch

No.623. As seen from the copies of the two orders, it is evident that in one of the order copies, the signature of the judge concerned is different when compared with the other one. But the fact remains that the order is genuine one and the contents of the order are also same. Further there is no evidence to show that the petitioner has created the forged document and when a favourable order passed by the competent Court is in existence, there is no need for a person to create a forged document and to use the same as genuine one. Hence, the undisputed fact remains that an order was passed in favour of the petitioner and the same is also communicated to the revenue officials vide dispatch No.623 on 27.3.2012. In these circumstances, this Court is of the view that there is nothing to investigate further in this matter since it is brought to the notice of this Court that there is an order passed by the competent Court and the copy of the same with the same contents was communicated to the Sub-Registrar.

In the result, the Criminal Petition is allowed and the impugned proceedings in Crime No.70 of 2013 on the file of Hindupur I-Town Police Station, Anantapur District are hereby quashed as against the petitioner herein.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

30th September, 2015
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