

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE K.C. BHANU
CRIMINAL PETITION NO : 4318 AND 5141 OF 2005

CRLP. NO. 4318 OF 2005

Between:

- 1 Satish Modi, S/o. Manilal C. Modi,
R/o. 5-4-187/3 & 4, M.G. Road,
Secunderabad.
- 2 Suresh Bajaj, S/o. Paramananda Bajaj,
Road No. 12, Near M.L.A. Colony,
Hyderabad.

..... PETITIONERS/ ACCUSED NO 1
& 2 (IN BOTH PETITIONERS)

AND

- 1 The State of A.P., rep. by Station House Officer, Begumpet P.S.,
Hyderabad,
(through the Public Prosecutor, High Court of A.P.,
Hyderabad).
- 2 P. Sudarshan, S/o. Late Pentaiah,
R/o. 1-4-395, Musheerabad,
Hyderabad.

.....RESPONDENT(S)IN
BOTH PETITIONS

CRLP NO. 4318/05

Petitions under Section 482 of Cri.P.C praying that in the circumstances stated in the petition filed therewith, the High Court may be pleased to Quash the investigation in FIR No. 372/2005 on the file of the Begumpet P.S., Hyderabad (In the Court of the XI Addl. Chief Metropolitan Magistrate, Secunderabad.

CRLP NO. 5141/05

To quash the summons issued by the inspector of Police Begumpet Police Station, Secunderabad in Crime No. 372 of 2005.

These Petition coming on for hearing, upon perusing the Petitions and upon hearing the arguments of Sri Vedula Venkataramana Advocate for the Petitioners (in both petitions) and of the Public Prosecutor for the Respondents No 1 (in both Petitions)and Respondent No.2 not appearing in person or by Advocate.

The Court made the following COMMON ORDER:-

THE HON'BLE SRI JUSTICE K.C.BHANU

CRIMINAL PETITION NOS.4318 ~~TO~~ 5141 OF 2005

COMMON ORDER

These two Criminal Petitioners are filed by the petitioners-A1 and A2 under Section 482 Cr.P.C., to quash the proceedings in Cr.No.372 of 2005 of Begumpet Police Station, which was registered under Sections 448,420, 468, 471 and 120-B I.P.C.

Though the counsel requested to pass over the matter, he did not appear. Junior counsel requested time, but the same is rejected since at request only the matter is adjourned several times.

It is alleged in the complaint that the de facto complainant is the G.P.A. and Agreement holder of survey No.37, Vallabh Nagar. Due to involvement of Satish Modi-A1, civil disputes arose. In order to avoid civil litigation, the complainant entered into an agreement with Satish Modi and settlement deed was executed on 07-03-1996. In view of settlement, Satish Modi gave Rs.35 lakhs through cheques and demand drafts with a promise to pay the amount within one year from the date of agreement. But Satish Modi did not fulfill his promise and that Satish Modi, Suresh Bajaj and Rizqan Shaik Imaam forged the signatures of


the complainant in a fabricated document relating to sale agreement as if, he paid the full amounts to show the public to cheat them besides cheated the complainant.

If the allegations in the complaint do not make out prima facie case of the offences alleged, then only proceedings need to be quashed. It is clearly stated that the present petitioners forged the signatures of the complainant in the fabricated document relating to sale agreement and hence prima facie case is made out. Therefore, it is the statutory duty of the police to conduct investigation. Hence there are no grounds to quash the proceedings.

Accordingly, the Criminal petitions are dismissed.

SD/- M.S.S. SASTRY
ASSISTANT REGISTRAR

// TRUE COPY //


SECTION OFFICER

TO

1. The XI Additional Chief Metropolitan Magistrate, Secunderabad.
2. The Station House Officer, Begumpet Police Station Hyderabad.
3. Two CC's to the Public Prosecutor High Court of A.P., Hyd.
(OUT)
4. Two C.D. Copies.
5. One CC to Sri Vedula Venkata Ramana, Advocate (OPUC).

MVL.



HIGH COURT

DATED: 08/09/2006

COMMON ORDER

CRLP. NOS. 4318 AND 5141 OF 2005

Dismissing the Crl Petitions.

ATM

7

16/9/06