



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3548]

WEDNESDAY, THE 15th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

CRIMINAL PETITION NO: 9878/2022

Between:

- 1.TADIBOYINA NARENDRA KUMAR, S/O. VASUDEVA RAO, AGED ABOUT 50 YEARS, R/O. D.NO.1-4-1, NAZERPET, TENALI TOWN, GUNTUR DISTRICT.
- 2.PALETI SRINIVASA RAO,, S/O. RAMAIAH, AGED ABOUT 56 YEARS, R/O. D.NO.2-22-28/1, GANDHI NAGAR, TENALI TOWN, GUNTUR DISTRICT

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY TENALI 1 TOWN P.S., THROUGH ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
- 2.KOLLIPARA KUMARASWAMY, S/O. LATE CHANDRA SEKHARA LINGAM, AGED 58 YEARS, R/O. D.NO. 6-7-45, NEHRU ROAD, TENALI TOWN, GUNTUR DISTRICT

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to file this instant Memorandum of Criminal Petition under section 482 Cr.P.C seeking quash of the charge sheet in C.C.No. 546 of 2018 on the file of the Court of Hon'ble I Addl. Judicial First Class Magistrate, Tenali, Guntur District.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with the certified copy of the Charge Sheet in C.C.No. 546 of 2018 on the file of the Court of 1st Addl. Judicial First Class Magistrate, Tenali, Guntur District, in the interests of justice.

IA NO: 2 OF 2022

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant of stay of all further proceedings including the appearance of the Petitioners/Accused No.8 & 9 in C.C No. 546 of 2018 on the file of the Court of 1st Addl. Judicial First Class Magistrate, Tenali, Guntur District, pending disposal of the Quash petition and pass

Counsel for the Petitioner/accused(S):

1. SIVA RAMA KRISHNA KOLLURU

Counsel for the Respondent/complainant(S):

1. SRINIVASA RAO NARRA
2. PUBLIC PROSECUTOR (AP)

The Court made the following:

ORDER:

Heard,

Mr. K. Siva Rama Krishna, learned counsel for the petitioners/accused Nos.8 & 9, Mr. Srinivasa Rao Narra, learned counsel for the *de facto* complainant, and Mr. Neelothpal Ganji, learned Assistant Public Prosecutor representing the Respondent-State.

2. Learned counsel for the petitioners would submit that the present Criminal Petition has been filed seeking to quash of the charge sheet in C.C.No.546 of 2018 on the file of the learned I Additional Judicial First Class Magistrate, Tenali, Guntur, registered for the offences under Sections 120(b), 468, 471, 420, 447 read with 34 of IPC.

3. Learned counsel for the petitioners would further submit that, insofar as the petitioners/accused Nos.8 & 9 are concerned, the complaint contains no specific allegations against them, except stating that they are being attestors to the Document No.2820/2012, dated 23.04.2012, on the file of Sub-Registrar Office, Kothapet, Tenali-I. He would draw the attention of this Court to the charge sheet which filed pursuant to Crime No.61 of 2015, which also does not indicate anything against the petitioners/accused Nos.8 & 9, except reiterating the allegations made in the complaint. The relevant portion of the charge sheet reads as follows:

"As per the intention of A1 to A4, first A2 & A3 executed a Gift Deed for the same property for an extent of 1323 Sq. yards worth Rs.26,46,000/- in favour of A1 with S.R.O., Kothapet, Tenali-I vide in Doc.No.2820/2012, dated 23.04.2012 and the

document was prepared by A7 by changing his name as G. Chandra Sekhar Reddy and the document was attested by A8 & A9”.

4. Learned counsel for the petitioners would further contend that, except for the aforesaid statements, there is nothing against the petitioners/accused Nos.8 & 9. He would further submit that the petitioners have been intentionally arrayed as accused in Crime No.61 of 2015, and in the charge sheet, the same is fortified, which indicates that the investigation so done by the Investigating Officer is totally without any application of mind to the facts and circumstances and also to the legal aspects which does not constitute the offence.

5. Learned counsel for the petitioners would further submit that taking into account that there are no valid allegations to constitute any offence against the petitioners/accused Nos.8 & 9 under Sections 468, 471, 420, 447 read with 34 IPC and the ingredients of the aforesaid Sections are not at all attracted to the petitioners/accused Nos.8 & 9.

6. Learned counsel for the petitioners would further submit that the law is very clear on this aspect and it is no more *res Integra* and that the attesters to the documents cannot be held that any offence is committed causing wrongful loss to the *de facto* complainant. Even in the present case, upon going through the allegations mentioned in the Crime No.61 of 2015 and the charge sheet, which is filed in C.C.No.546 of 2018, does not entail anything against the petitioners, except saying that they have the attested to the documents.

7. Learned counsel for the petitioners placed reliance on the judgment of this Court in ***Yelakala Rangarao and Others v. State of Andhra Pradesh and Others***, in Crl.P.Nos.4223, 4631 and 4725 of 2012 and batch decided on 22.11.2022, wherein, at paragraph 20, it was held as follows;

“20. Insofar as A10 and A12 and A17 are concerned, they simply attested the documents said to have been executed between the parties. Therefore, by attesting the documents, it cannot be said that thereby they caused wrongful loss to the de facto complainant”.

8. In view of the said observations and the ratio laid down by this Court, learned counsel for the petitioners would argue that no *prima facie* case is made out against the petitioners/accused Nos.8 & 9, and therefore, the charge sheet is liable to be quashed. He placed reliance on the Judgment of the High Court of Chhattisgarh At Bilaspur in ***Nishant Agarwal and Others v. State of Chhattisgarh and Others***¹, wherein, at paragraphs 18 to 22, it was held as follows:

“18. In the matter of Banga Chandra (supra), the Privy Council has held that attestation by itself would neither create estoppel nor imply consent. It proves no more than that the signature of an executing party has been attached to a document in the presence of a witness.

19. Similarly, in the matter of Pandurang Krishnaji (supra), it has been held by the Privy Council that attestation of a deed by itself estops a man from denying nothing whatsoever expecting that he has witnessed the execution of the deed. It conveys, neither directly nor by implication, any knowledge of the contents of the document and it ought not to be put forward alone for the purpose of establishing that a man consented to the transaction which the document effects.

20. The Lahore High Court in the matter of L. Suraj Bhan v. Hafiz Abdul Khaliq MANU/LA/0127/1943: AIR 1944 Lah 1 has held that recitals in a deed do not bind the attesting witnesses, for, an attestation pure and simple is not enough to fix, the at testator with a knowledge of the contents of the deed.

¹ 2021 (4) CGLJ110

21. Likewise, in the matter of *Surjeet Singh v. State of U.P.* MANU/UP/1198/2013 the Allahabad High Court has held that recitals in a deed do not bind the attesting witnesses and thereafter quashed the proceedings against the attesting witnesses. Similar is the decision rendered by that High Court in the matter of *Suraya Bali v. State of U.P.*1.

22. In the matter of *M. Srikanth v. State of A.P.* the Telangana High Court quashed the prosecution of the petitioners therein (A-7 and A-8) who were attestors of the lease deed relying upon the decision of the Supreme Court in the matter of *M.L. Abdul Jabbar Sahib (supra)* by holding as under: -

“8. So far as A.7 & A.8 concerned they are mere attestors of the lease deeds or sub lease deeds of the year 2008 & 2009 executed by A.1 in favour of A.4 and in turn by A.4 in favour of A.5. It is their contention of they have no knowledge of the contents and they have no knowledge of the transactions of source of title of A.1 and claim with reference to will dated 02.04.1950 and deed of confirmation dated 08.03.1990. The law is fairly settled at least from the 3 Judge expression of the Apex Court in *M.L. Abdul Jabbar Sahib (supra)* that attestation no way fixing attesting witness with knowledge of contents of the document or implying consent for contents of documents, unless it is established by any independent evidence that to the signature was attached the express condition that it was intended to convey something more than mere witnessing to the execution or attestation. The attestation mainly to mean executing, signing or affixing in the presence of 2 or more witnesses each of whom has seen the executant signing and vice versa and not necessarily more than one of such witness shall present and no particular form of attestation is necessary. From the private complaint averments so far as A.7 and A.8 concerned, there is nothing specifically mentioned of their active role either in committing any offence of cheating or forgery or forgery for purpose of cheating or using as genuine a forged document or the like. Having regard to the above, even on the face value of complaint averments, there is no any offence made out against A.7 & A.8 therefrom of mere attestation in view of the settled position of law, for nothing to presume any knowledge of them to the contents of the documents leave apart from no duty caste upon them to verify genuineness of source of title of executant of the document for their attesting.

a). Thus, the proceedings of crime No. 311 of 2010 in so far as A.7 & A.8 are liable to be quashed and accordingly, quashed by allowing the CrI.P. No. 6047 of 2013.

b). Though it is the contention of A.9 that he is also placed in same position from attestation of the sub lease dated 30.01.2009, it requires further discussion in considering any further role of A.9., so also of A.6 being the employees of the entity-A.5, for the sub lease is in favour of A.5 executed by A.4 the lessee from A.1."

9. As could be seen, the Courts have consistently held that the attesters cannot be held liable for merely attesting the documents. Further the High Court has also taken note of the judgment of the Telangana High Court in

M.Srikanth v. State of A.P.², wherein the same principle was taken note. Basing on the same, the charge sheet against the accused therein were quashed.

10. Refuting the said arguments, Mr. Neelothpal Ganji, learned Assistant Public Prosecutor would submit that, though there is nothing against petitioners/accused Nos.8 & 9 on record, the veracity of the allegations and their involvement in the alleged offences are matters to be adjudicated during the course of trial.

11. Mr. Srinivasa Rao Narra, learned counsel for the *de facto* complainant, in consonance with the arguments of learned Assistant Public Prosecutor, would submit that the truth would emerge only after a full-fledged trial and requests this Court to direct the trial Court to proceed with the trial and complete as expeditiously as possible.

12. After hearing both the parties, this Court accepting the contentions of the learned counsel for the petitioners that neither in the F.I.R nor in the charge sheet, which is filed after a complete investigation, except bald allegations that the petitioners stood as attestors to the document No.2820/2012, dated 23.04.2012, nothing else is stated and the allegations are omnibus and does not constitute any offence. As per the ratio laid down in the aforesaid judgments, this Court is of the considered opinion that no *prima facie* case is made out against petitioners/accused Nos.8 and 9.

² CrI.P.No.6047 of 2013 and batch, dated 01.06.2017

13. The Hon'ble Supreme Court, in **State of Haryana and others vs. Bhajan Lal and others**³, at paragraph 102, observed as follows:

"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 extraordinary 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 channelized 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 FIR 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 FIR 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

³ 1992 Supp (1) SCC 335

(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.”

14. Accordingly, the Criminal Petition No.9878 of 2022 is allowed and the proceedings in C.C.No.546 of 2018 on the file of I Additional Judicial First Class Magistrate, Tenali, Guntur District, against the petitioners/Accused Nos.8 and 9, are hereby quashed.

As a sequel, interlocutory applications pending, if any, shall stand closed.

TUHIN KUMAR GEDELA, J

Date: 15.07.2026
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