

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1837 OF 2008
(Arising out of S.L.P.(Crl.) No.4384/2006)

G.N. Naidu

...Appellant

Versus

N. Ashaiah & Ors.

...Respondents

ORDER

None appears for respondent Nos.1 to 6, though served.

Leave granted.

Appellant before us is a complainant who alleges offences punishable under Sections 468, 471 and 420 IPC, stating that the respondent Nos.1 to 6 had forged and fabricated documents enabling them allegedly to grab the property of the appellant. By the impugned judgment, the High Court has quashed the complaint arising from F.I.R. in Crime No.325 of 2002 only on the ground that earlier the respondents had instituted a Civil Suit in which they obtained an injunction. In our view, the High Court had erred in setting aside the complaint on the above ground. It appears that the High Court had assumed that the dispute between the parties was of a civil nature. In our view, the High Court has committed that error.

....2/-

Consequently, the impugned judgment is set aside and the said F.I.R. in Crime No.325 of 2002 shall stand revived for investigation in accordance with law.

Criminal Appeal is allowed accordingly.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
November 17, 2008.

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Crl) No(s).4384/2006

**(From the judgement and order dated 17/03/2006 in CRLP No.2867/2002
of the HIGH COURT OF A.P. AT HYDERABAD)**

G.N.NAIDU

Petitioner(s)

VERSUS

N.ASHAIAH & ORS

Respondent(s)

(With appln(s) for stay and office report)

Date: 17/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. P.S. Narasimha, Sr.Adv.

Mr. M. Gireesh Kumar, Adv.

Mr. Avijeet Kr. Lala, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

For Respondent(s)

No.7: Mrs. D. Bharathi Reddy, Adv.

**UPON hearing counsel the Court made the following
O R D E R**

None appears for respondent Nos.1 to 6, though served.

Leave granted.

Criminal Appeal is allowed in terms of the signed order.

**(N. ANNAPURNA)
COURT MASTER**

**(MADHU SAXENA)
COURT MASTER**

(Signed order is placed on the file.)