THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.11184 OF 2013

ORDER:

This criminal petition under Section 482 of the Code of Criminal Procedure is filed by the petitioner/A.2 seeking to quash the proceedings in C.C.No.986 of 2013 on the file of the IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, arising out of offences under Sections 406, 420, 467, 468, 471 and 472 IPC.

The brief facts of the case are as follows. The complainant/second respondent is a resident of Hyderabad. His son-in-law, by name B.Bhaskar Rao and his daughter Smt Anuradha are residents of USA and that they became citizens of USA. It is alleged that his son-in-law came into contact with A.1, who is the husband of the petitioner herein, when he was running a software concern in Banjara Hills and that A.1 approached him to get the works for software developments. During subsequent period, the *de facto* complainant's son-in-law obliged to the request of A.1 and gave some software projects to him, in that connection, he represented to the second respondent and his son-in-law that he is having a real estate deal and he has sale agreement-cum-GPA in respect of the land admeasuring Acs.3.00 guntas in Survey No.73-E situated at Gopanapally Village, Serilingampally Mandal, Ranga Reddy District and offered to sell 1000 square yards to his son-in-law and accordingly, A.1 received Rs.50,00,000/- with the promise to return Rs.17,00,000/- at the time of delivery of property and accordingly an agreement of sale was prepared in the month of September, 2007 and sent the same to USA for the purpose of obtaining signatures of the son-in-law of the second respondent. Later, after lapse of six months, A.1 handed over a Photostat copy of registered sale deed bearing document No.6082 of 2008, dated 24.03.2008 executed by Mr.Narasimha, the owner of the said land transferring 1500 square yards in favour of the son-in-law and daughter of the second respondent. The second respondent further alleged that in the last week of May, 2011, he went to the site and found some construction works carried out in the said land sold to his son-in-law and daughter, on enquiry he came to know that the document number executed by A.1 is pertaining to a flat in Miyapur, Hyderabad and when the son-in-law of the second respondent demanded for the payment of the amount from A.1, he gave evasive reply and Mr.Narasimha and A.1 deliberately prepared a false document by committing forgery and counterfeiting seal of Sub Registrar. Basing on the report, dated 28.04.2012, the Sub Inspector of Police, Miyapur registered a case in crime No.210 of 2012 and after completion of investigation filed charge sheet against the accused for the offences punishable under Sections 406, 420, 467, 468, 471 and 472 IPC.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner, being the wife of A.1, is arrayed as accused while filing the charge sheet and that she is no way concerned with the offences. He further submits that all the transactions are between A.1 and the *de facto* complainant, more particularly business transactions. The petitioner herein is nothing to do with any of the transactions mentioned in the charge sheet.

On entire reading of the charge sheet, there are no specific allegations against the petitioner herein, which connect the petitioner to the offences alleged. The relevant portion of the allegations made against the petitioner herein is as follows.

> A.1 and A.2 received a sum of Rs.50,00,000/- (Rupees fifty lakhs only) as an earnest money deposit and promised to sell 1000 sq.yards and also promised to return Rs.17,00,000/- (Rupees seventeen lakhs) at the time of delivery of the property/registration. In the month of September, 2007, Agreement of Sale was prepared by A.1 and the same was sent to USA where it was signed by L.W.2, A.1 had promised to get necessary clearance from Government and register the property in favour of L.W.2, failing which to return the said amount, made the payment for Rs.50.00 lakhs to A.1 and his wife at the complainant’s residence No.15, Lakshmi Narayana Estates,

Miyapur, Hyderabad-49 and he acknowledged the receipt of Rs.50.00 lakhs.

This Court is of the view that the petitioner is implicated in the case as she is wife of A.1 and that there is nothing on record to connect the petitioner herein with the offences as alleged against her by the prosecution.

Considering the facts and circumstances of the case, the criminal petition is allowed and the proceedings in C.C.No.986 of 2013 on the file of the IX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, as against the petitioner herein, is hereby quashed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE RAJA ELANGO

09.09.2015
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