

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No.2622 of 2015

Order:

The instant petition is filed by the third and fourth accused, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') for quashing the FIR in Crime No. 379 of 2014 of PS Karimnagar, I-Town, for the offences punishable under Sections 420, 504, 506, 120-B and 34 IPC.

2. Heard Sri Madhusudan Reddy Gavinolla, learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State.

3. A private complaint, filed by the second respondent herein, was referred under Section 156(3) Cr.P.C, basing on which the crime was registered against as many as six accused, amongst whom the petitioners are arraigned as A-3 and A-4. The allegations would show that the complainant, believing the registered gift settlement deed executed by A-2 in favour of A-1, who are mother and son respectively, purchased the houses bearing Nos.7-2-955 to 7-2-959 along with the open place situated at Mankammathota locality of Karimnagar Town. Subsequently, the complainant also sold the said property in favour of one Konda Sriramulu, Konda Vasantha and Konda Swathi under registered sale deeds on 14.05.2014. Subsequently, A-2 executed a cancellation deed of gift settlement deed on 13.12.2013 and later again executed a rectification deed on 18.02.2014 in favour of the minor children of A-1 and, therefore, there was clear conspiracy amongst the accused in canceling the gift deed executed in favour of the accused persons.

4. Learned counsel for the petitioners submits that no allegations are levelled attracting the offences alleged against the petitioners herein and, therefore, sought to quash the FIR as far as the petitioners are concerned.

5. The crime is at the stage of investigation. It is not as, though, no allegations have been levelled against the petitioners herein. Since the very complaint would clearly show that the complainant alleged collusion and conspiracy amongst A-1 to A-4 and the petitioners being A-3 and A-4 the collusion or the conspiracy, as the case may be, was in regard to cancellation of the gift deed and, in that view of the matter, though the second petitioner who is arraigned as A-4 was a witness to the document, but, still, it being cancellation deed the said allegation is required to be probed into by the investigating agency. Thus, the material placed on record is *prima facie* sufficient to conduct investigation into the allegations so as to ascertain truthfulness or otherwise thereof. Therefore, there is no merit in the petition.

6. Accordingly, the Criminal Petition is dismissed.

7. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 07.04.2015

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