

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2048 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in Cr.No.56 of 2011 on the file of the Nandigama Police Station, Krishna District.

2. Heard counsel for the petitioners and the learned Public Prosecutor, who takes notice for first respondent. None appears for the second respondent in spite of notice.

3. The facts of the case, as reflected in the complaint, are that the second respondent executed the gift deed in favour of first petitioner, who is her grand daughter. She, in fact, wanted to reserve the life interest in her and execute the gift deed. She complained that the said fact was not mentioned in the gift deed by virtue of the fraud played by petitioners 1 and 2, who are the husband and wife.

4. The counsel for the petitioners brings to the notice of this Court about the suit that is filed by the first petitioner herein for declaration, the second respondent herein raised the same grounds in her written statement and the same were dealt with by the Court and the suit was decreed in favour of the first petitioner. The appeal, which was preferred by the second respondent, was dismissed, confirming the judgment of the trial Court. The counsel, further, submits that the second respondent filed a suit, being O.S.No.104 of 2002 on the file of the Principal Junior Civil Judge, Nandigama, seeking for cancellation of the gift deed on the same ground and that the same was dismissed.

5. The learned Public Prosecutor also submits that there was an order of the SDPO, Nandigama stating that the case is civil in nature and he ordered to refer the case as civil in nature.

6. Hence, in the above circumstances, there would not be any benefit that can be derived by the complainant by proceeding with the present case.

The criminal petition is allowed and the proceedings in Cr.No.56 of 2011 on the file of the Nandigama Police Station, Krishna District, are hereby quashed against the petitioners. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 4, 2017
DSK



T. RAJANI, J