

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.192 OF 2017

ORDER:

The present petition is laid under Section 482 of the Code of Criminal Procedure by Accused Nos.4 and 3 showing them as petitioner Nos.1 and 2, respectively, requesting to quash the proceedings against them in Crime No.1022 of 2016 dated 29.10.2016 registered by the 1st respondent–S.H.O., Hayathnagar Police Station, Ranga Reddy District.

Heard Sri Ch.V.Prasad Babu, learned counsel for the petitioners, and the learned Public Prosecutor for Telangana State.

The fact-situation, as could be gathered from the complaint and the arguments advanced by both sides, is that the 3rd and 4th respondents, who are arraigned as Accused Nos.1 and 2, respectively, are consanguineous brothers and the 3rd respondent is alleged to have impersonated the defacto-complainant, who is the 2nd respondent herein, and sold the subject property to the 4th respondent on 21.03.2003. It is alleged that the 4th respondent, in turn, sold the said property to the 2nd petitioner/Accused No.3 on 04.04.2003. Subsequently, the 2nd petitioner executed a gift settlement deed in favour of the 1st petitioner, who is no other than his son. While the things thus stood, both the petitioners herein filed W.P.No.43395 of

2016 and, in fact, obtained stay of arrest by the orders dated 15.12.2016.

Learned counsel for the petitioners would plead that the 2nd petitioner is a bona fide purchaser and under the gift settlement deed, not only the subject property, but also three other properties were conveyed and, therefore, the said act on the part of the 2nd petitioner cannot be viewed with any suspicion and, in fact, on account of the complaint lodged by the 2nd respondent herein, there is no likelihood of the petitioners getting the subject property. It is, therefore, his submission that the offences under Sections 419, 420, 468 and 471 of IPC, alleged by the 2nd respondent, would not stand against the petitioners and, at the most, they may stand against the 3rd and 4th respondents herein and, in that view of the matter, it is a fit case where the proceedings in Crime No.1022 of 2016 require to be quashed against the petitioners herein.

Admittedly, the matter is under investigation by the concerned police. Though, the learned counsel for the petitioners attempts to support the case of the petitioners on the ground that the 2nd petitioner has become old enough and that was the reason for him to execute the gift settlement deed in favour of the 1st petitioner, that too conveying three more properties, the intention cannot be inferred at this stage, unless the investigation is completed, and truth or otherwise can only be unravelled during the course of investigation. Therefore, it is not a

fit case to accede to the request of the petitioners to quash the proceedings in Crime No.1022 of 2016 against them.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications, if any pending in this Criminal Petition, stand closed.

A. SHANKAR NARAYANA, J

17th January, 2017
v v

