

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.8925 of 2013

ORDER:

This Criminal Petition under Section 482 of Cr.P.C., is filed seeking to quash the proceedings in C.C.No.729 of 2013 on the file of the VIII Metropolitan Magistrate, Cyberabad, Rajendranagar, Hyderabad, registered for the offences punishable under Sections 420, 467, 468, 471, 406 read with Section 34 IPC, against the petitioners/A1 and A2.

2. Heard learned counsel for the petitioners, learned Public Prosecutor for the first respondent-State and learned counsel for the second respondent/de-facto complainant.

3. The de-facto complainant is the wife of the first petitioner/A1. The second petitioner/A2 is the brother of the first petitioner. The allegations in the complaint are that the de-facto complainant has handed over the house, which was in her name, to A1 to take care of it. But, A1 transferred the said house in the name of A2 without her knowledge.

4. Learned counsel for the petitioners submits that in fact, there was a gift by the de-facto complainant in favour of A1 in the year 2007 and thereafter, A1 transferred the house in the name of A2 in the year 2010 and subsequently, the de-facto complainant filed suit in 2011 seeking for declaration that the gift deed is void. But the complaint does not disclose that there was any gift deed

made by the de-facto complainant in favour of A1. For that, the counsel submits that it was an oral gift.

5. This Court considers that unless the said issue is subjected to a detailed trial, truth of fact would not come to light. *Prima facie*, the offences alleged are attracted by the allegations in the complaint. Hence, this Court opines that this is not a fit case to quash the proceedings against the petitioners.

6. Hence, the Criminal Petition is dismissed. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.

15th November, 2018

sj

T. RAJANI, J

