

(2014) 02 KAR CK 0381
In the Karnataka High Court
Case No : Crl. Petition No. 16077/2013

M. Srihari and M. Apparao

APPELLANT

Vs

Smt. Parvatamma and The State

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 420, 468

Citation : (2014) 02 KAR CK 0381

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : Ravindra Reddy, Advocate for the Appellant; Sanjay A. Patil, Addl. Spp, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

B.V. Pinto, J.—This petition is filed seeking to quash the proceedings in P.C. No. 422/2012 pending before the Court of JMFC at Sindhanur and FIR in Crime No. 259/2012 of Town police station, Sindhanur for the reasons stated in the said petition.

2. Respondent No. 1 filed a private complaint against petitioners and two others alleging that her husband was the owner of certain immovable properties and that after the death of her husband, she was in possession of the aforesaid properties. It is further stated by her that the petitioners herein have created a false sale deed in respect of the said property and thus they have cheated her of the immovable property. The averments made in the complaint indicate that the husband of the first respondent was the owner of land bearing Sy. No. 70/A of Somalapur village and that by sale deed dated 29.07.2006, bearing document No. SND-1-0356-2006-07 the accused have created a false sale deed and thereby it is alleged that they have transferred the property belonging to the husband of the complainant in the name of accused No. 1.

3. Heard Sri. Ravindra Reddy learned counsel for the petitioners and Sri. Sanjay

A. Patil, learned Addl. SPP for the respondents.

4. Learned counsel for the petitioners submits that the copy of RTC extract, which is produced, indicates the name of the husband of the complainant and that said property has been transferred in the name of the first petitioner by sale deed. It does not amount to an offence and hence continuation of proceedings 13 abuse of process of law.

5. Sri. Sanjay Patil, learned Addl. SPP on the other hand submits that the police have investigated in the matter and have filed charge sheet before the Magistrate Court at Sindhanur. He submits that the petitioners are at liberty to seek for discharge in case it is felt that false case has been filed against them.

6. The offence u/s 468 and 420 of IPC are triable as warrant cases in trial Court. Immediately after appearance before the Court, petitioners have got right to seek for discharge. However, this Court would not entertain any petition u/s 482 of Cr. P.C. and enter into any discussion regarding the question of facts, which is essential responsibility of the trial Court.

7. In that view of the matter, reserving the liberty to the petitioners to urge all the grounds while seeking discharge, petition is disposed of.