

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-528 No. 112 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Aditya Singh, learned counsel for the applicants and Mr. Deepak Bisht, learned D.A.G. for the State.</p> <p>2. The present Criminal Misc. Application has been filed for quashing the charge-sheet dated 04.04.2023, cognizance order passed by Chief Judicial Magistrate, Dehradun in Case no. 5452 of 2023 and the entire proceedings arising out therefrom.</p> <p>3. Issue notice to respondent no. 2, returnable within four weeks.</p> <p>4. Steps be taken within a week.</p> <p>5. List after service report is received.</p> <p>6. Heard on the Stay Application (IA No.1 of 2025).</p> <p>7. Brief facts of the case are that FIR dated 08.05.2022 was registered by respondent no. 2 against the applicants as well as one Sri Manoj Patel – husband of applicant no. 1. After investigation, Police submitted a charge-sheet dated 04.04.2023 before the Court of Chief Judicial Magistrate, Dehradun in Case No. 5452 of 2023, State Vs. Kaushalya Rana and Another, under Sections 420 and 120-B of IPC. Charge-sheet was filed against only the applicants and no evidence was found against Manoj Patel.</p>

8. The main contention of learned counsel for the applicants is that respondent no. 2-complainant had executed a gift-deed in favour of applicant no. 1, who is a real daughter and which was duly registered in the office of Sub-Registrar, Dehradun. Learned counsel has also submitted that the contents of the FIR, even if they are taken on their face value, are hit by provisions of Section 92 of Indian Evidence Act and Section 17-1(A) of the Registration Act. Learned counsel has further submitted that respondent no. 2 have filed a suit for cancellation of the gift-deed through her son as power of attorney before the Court of 3rd Additional Civil Judge (Sr. Div.), Dehradun, which was decreed ex-parte vide judgment and order dated 21.12.2024.

9. The applicants have moved an application under Order 9, Rule 13 CPC seeking set-aside of the ex-parte of the judgment and order dated 21.12.2024, which is still pending adjudication.

10. In view of the above submissions, this Court, *prima facie*, is satisfied that in the interest of justice, further proceedings of Case No. 5452 of 2023, State Vs. Kaushalya Rana pending before the court of Chief Judicial Magistrate, Dehradun shall remain stayed till the next date of listing. (Stay application is disposed of).

(Alok Mahra J.)

03.03.2025

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