

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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CRIMINAL PETITION No.1346 of 2011

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Between:

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Gopinath Sulibhavi

.. Petitioner

and

B.Surendranath, and another

.. Respondents

DATE OF ORDER PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

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HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.1346 of 2011

ORDER:

This is a Criminal Petition filed, under Section 482 Cr.P.C, seeking to quash the proceedings in Crime No.130 of 2009 pending before the learned XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offences punishable under Sections 420 and 406 IPC.

2 .The facts, in brief, are as follows: The first respondent-complainant is the professional TV Channel and that for upgrading its unit they had approached Sun Broadcast Equipments Private Limited, of which the petitioner herein is an employee, and had purchased SDI Decoders. It is alleged that after purchasing of the said Decoders, they did not function properly, for which they had to return all the decoders for repair. As per the quotation given by the petitioner company, the first respondent is entitled to free service and repair within a period of one year from the date of supply, but the petitioner company is not honouring the said clause. As the petitioner company is refusing to respond the calls, the first respondent has filed a complaint on 19.03.2009 to the Station House Officer, Jubilee Hills Police Station, Hyderabad, and the same was registered as Crime No.130 of 2009.

3. It is represented by the learned counsel for petitioner that the first respondent has foisted a false case against the petitioner herein. In support of his contention, he

submits that the police after investigation filed a report to the effect that the complaint is false.

4. The learned Public Prosecutor subscribes to the submission made by the learned counsel for the petitioner.

5. Since the crime itself has been closed as a false one, nothing survives. Therefore, the criminal petition is liable to be dismissed in view of the fact that the police have closed the crime being a false case.

6. In the result, the Criminal Petition is dismissed. It is needless to say that during pendency of the crime, if the accused furnished any bonds/sureties, they shall stand discharged.

As a sequel, miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

Date: 31.07.2015

MVA

HON’BLE SRI JUSTICE M.S.K. JAISWAL

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