

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

Criminal Petition No. 1168 of 2011

Order:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused, seeking to quash the proceedings in Crime No.73 of 2010 of Bijinepally Police Station, Mahabubnagar District, registered for the offence punishable under Section 379 IPC.

2. The second respondent/*de facto* complainant filed a complaint against the petitioners/A1 and A2 alleging that they have committed theft of his motor cycle. Admittedly, the petitioners/A1 and A2 are in the business of financing the vehicles and that they have financed the motor cycle bearing registration No.AP-22N-1394 in favour of one J. Bikshapathi, who is said to be the father-in-law of the second respondent/*de facto* complainant. It is the case of the petitioners that since the said

J. Bikshapathi has committed default in payment of the instalments, the subject vehicle has been seized by them in exercise of their legal rights, but they have not taken away the vehicle as alleged. The second respondent/*de facto* complainant is not the registered owner of the vehicle. Since, admittedly, the vehicle stands in the name of J. Bikshapathi and it is under hire purchase agreement with the petitioners/A1 and A2, it cannot be said that the said vehicle is taken away by the petitioners/A1 and A2 in a manner not permissible under law. Therefore, it is a fit case where the proceedings in Crime No.73 of 2010 can be quashed.

3. Accordingly, the Criminal Petition is allowed and the proceedings in Crime No.73 of 2010 of Bijinepally Police Station,

Mahabubnagar District, are hereby quashed.

4. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J.

Date: 03.07.2015

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