

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO.4326 of 2014

ORDER:

Upon hearing both sides, at the admission stage, the Criminal Petition is disposed of as follows:

The main ground on which the petitioner seeks quashment of S.T.C.No.1 of 2007 on the file of Judicial Magistrate of First Class, Adoni, is that the accused concern is a partnership firm and the present petitioner is a owner holding 20% share, whereas the other two partners namely A. Jaffer Ali and A. Mazhar Ali, are having 80% share and they are active partners and though the complainant added them as parties in the split up case S.T.C.No.18 of 2013, but no action was taken against them and it was dismissed for default, as per the Order dated 04.02,2014 and no restoration petition was filed yet and in these circumstances, the continuation of proceedings against the present Petitioner/Accused in S.T.C.No.01 of 2007 is nothing but abuse of process of the Court.

On the other hand, the submission of Sri Chintala Srinivas, learned Standing Counsel for respondent No.2, is that the accused is the licensed holder of the Agricultural Market Committee and dealing with the business in the cotton seed, which is a notified commodity, but the accused failed to produce purchase returns and account books for the concerned years 1998-1999 and 2000-2001 for finalization of market fee due and hence, the proceedings were initiated against him and the dismissal of the complaint in S.T.C.No.18 of 2013 against others will not have any impact on the present case. He thus sought for dismissal of the present petition.

In view of the fact that the petitioner is the license holder, it is not a fit case to quash the proceedings in S.T.C.No.01 of 2007.

However, the learned Judicial Magistrate of First Class, Adoni, during the enquiry of S.T.C.No.01 of 2007 shall take into consideration, among other pleas the plea of the petitioner/accused that the proceedings against him singly are not maintainable and pass the judgment on merits.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

16-02-2015
eha

CRL.P. No. 4326 of 2014

Dt. 16.02.2015

eha