

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

FRIDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

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

CRIMINAL PETITION No.959 of 2011

Between:

Nalli Srimathi

..... PETITIONER/ACCUSED

AND

The State of A.P, rep.by its
Public Prosecutor and another

.....RESPONDENTS

The Court made the following:

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

CRIMINAL PETITION No.959 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Cr.No.313 of 2010 on the file of Godavari Khani I Town Police Station, Karimnagar District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

3. Basing on the private complaint, which was forwarded by the concerned Magistrate under Section 156(3) Cr.P.C, the police registered the above crime against the petitioner/accused for the offences

punishable under sections 406, 418 and 420 IPC.

4. It appears that the husband of the petitioner/accused viz., Nalli Narayana and the 2nd respondent/*de facto* complainant are own brothers and the husband the petitioner/accused died in a road accident, and therefore, certain amounts have to be received by them from the Insurance Company and also from the Employer of Narayana. In that connection, as per the contents of the complaint, there were certain agreements between the family members whereby the petitioner/accused and the 2nd respondent/*de facto* complainant entered into an agreement which was to the effect that certain amounts should be deposited in the name of mother-in-law of the petitioner/accused and the nominees should the 2nd respondent/*de facto* complainant and the son of the petitioner/accused. After narrating the amounts payable, in para-3 of the complaint, it is specifically mentioned that instead of carrying out the intent of the agreement, the accused has committed breach of trust and cheated the complainant contravening the terms of the agreement.

5. It is also on record that Nalli Rajamma, the mother of both Narayana, who is the husband of the accused and Shankar, who is the *de facto* complainant, filed a civil suit being O.S.No.193 of 2009 on the file of the Junior Civil Judge, Godavarikhani seeking injunction against the petitioner/accused and 2nd respondent/*de facto* complainant from drawing the death benefits of her deceased son Narayana, and she also obtained an interim order on 24.07.2009 in I.A.No.319/2009 in O.S.No.193/2009.

6. In view of the above, the present case comes under the purview of civil in nature. It is manifest that the criminal process is being put in place instead of working out the remedies in Civil Forum.

7. For the reasons stated above, continuance of further proceedings against the petitioner/accused in Cr.No.313 of 2010 on the file of Godavari Khani I Town Police Station, Karimnagar District is

nothing, but abuse of process of law, and hence they are liable to quashed, and accordingly quashed.

8. The Criminal Petition is accordingly allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 26.06.2015

Dsr