

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION No. 955 of 2013

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ORDER:

This criminal petition is filed under Section 482 Cr.P.C. by the petitioner-accused seeking to quash the FIR in Crime No.977 of 2012 on the file of the KPHB Colony Police Station, Cyberabad, Ranga Reddy District.

2. The complainant filed a private complaint before the IX Metropolitan Magistrate, Cyberabad, at Miyapur, alleging that the petitioner-accused sought a hand loan of Rs.3,15,000/- for his family needs and the complainant gave his credit card to the accused and the accused used the credit card and withdrawn Rs.1,45,000/- and the complainant gave remaining amount of Rs.1,70,000/- and the accused promised to repay the amount within one month but he failed to repay the same in spite of several demands. Later, the accused issued Cheque bearing No.303580 dated 17.07.2012 for an amount of Rs.1,55,000/- drawn on HDFC Bank, Nacharam Branch towards part-payment, but when the complainant presented the said cheque for encashment, the cheque was bounced with the reason "payment stopped" and when the complainant intimated the same to the accused, the accused issued another cheque bearing No.303582 dated 30.07.2012 for an amount of Rs.1,60,000/- drawn on HDFC Bank and assured the complainant that both the cheques will be honoured. When the complainant presented both the cheques for clearance in CITI Bank, Hyderabad, the same were bounced back on 03.08.2012 with endorsement 'insufficient funds'. When the complainant again informed the same to the accused, the accused promised the complainant that he would transfer the amounts from

his HDFC Bank account to the CITI Bank account of the complainant through Internet banking but he failed to do so. Having fed up with the attitude of the accused, the complainant got issued a legal notice on 06.10.2012 through registered post demanding the accused to repay the amount of Rs.3,15,000/- but even then the accused did not repay the amount, instead the accused threatened the complainant with dire consequences.

The private complaint was forwarded to the KPHB Colony Police Station where it was registered as a case in Crime No.977 of 2012 for the offences punishable under Sections 420 and 506 IPC and investigation was initiated. At that stage, the petitioner-accused filed the instant criminal petition for quashment of the aforesaid crime.

3. When the matter is taken up today, the learned Public Prosecutor submitted that the Sub-Inspector of Police, KPHB Colony Police Station, submitted a letter dated 29.02.2016 to him stating that they have referred the matter as "Civil in Nature" on 03.03.2013 itself. Learned Public Prosecutor placed before this Court a copy of the said letter dated 29.02.2016 sent by the Sub Inspector of Police.

4. There is no representation for the petitioner.

5. Having regard to the above submission of the learned Public Prosecutor, this criminal petition is dismissed as infructuous.

Miscellaneous petitions, if any pending, shall stand closed.

U. DURGA PRASAD RAO, J

29th February, 2016
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