

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.586 OF 2014

ORDER:

-
This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.290 of 2013 on the file of Eluru Rural Police Station, West Godavari District, which was registered for the offences punishable under Sections 420, 323 and 506 I.P.C.

2. The allegation against the petitioner is that he, being the owner of a Proclainer (J.C.B.), entered into a Memorandum of Understanding with respondent No.2 for sale of the said vehicle in his favour and received an amount of Rs.4,50,000/-. After receipt of the said amount, he has not sold the J.C.B. to respondent No.2 and has sold the same to a third party. The petitioner threatened respondent No.2 and also informed him that he would create a forged receipt that respondent No.2 has received the amount.

3. Heard and perused the material on record.

4. It is true that the petitioner entered into an agreement with respondent No.2 and received an amount of Rs.4,50,000/-, but the same was returned with 2% interest, as per the Memorandum of Understanding, and the same was also acknowledged by respondent No.2 by way of receipt, dated 02.02.2012, and the same is also produced before this Court.

5. Even if it is the case of the respondents that the said receipt is forged in nature, this Court is of the view that the entire transaction between the petitioner and respondent No.2 is purely civil in nature. If there is any failure on the part of the petitioner herein to sell the said vehicle in favour of respondent No.2, the remedy lies elsewhere. The same will not attract the offences as alleged in the complaint. Hence,

taking into consideration of the above said facts, the proceedings in the said crime are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed quashing the proceedings in Crime No.290 of 2013 on the file of Eluru Rural Police Station, West Godavari District.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

16.02.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

CRIMINAL PETITION No.586 OF 2014

-
-

Date: 16.02.2016

AMD