

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4967 OF 2016

ORDER:

-

1. This petition is filed by the petitioners under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.48 of 2016 on the file of the IX Metropolitan Magistrate, Cyberabad, Kukatpally, Ranga Reddy District.

2. Heard and perused the material available on record.

3. The 2nd respondent filed a complaint against a Society viz., M/s Sankalp Welfare Association-(A1) under Section 138 of the Negotiable Instruments Act. She has arrayed the petitioners, who are signatories of A1-society, as A2 and A3 in the complaint. It is the case of the 2nd respondent that she entered into an agreement with A1-society for purchase of an apartment in the township project of A1 and pursuant to the said agreement dated 12.10.2006, the 2nd respondent has remitted Rs.13,78,943/- and in April, 2013, there was an agreement to repurchase the said apartment for consideration of Rs.23,77,448.31 ps., and an agreement dated 19.9.2014 was executed between the 2nd respondent and A1. Accordingly, Rs.14 lakhs was paid by A1 and Rs.12,09,400/- was promised to be paid with interest at 12% p.a., and three post dated cheques were issued to the 2nd respondent. The said cheques were dishonoured.

4. Learned Counsel for the petitioners submitted that the petitioners have ceased to be the office bearers of A1 society and all the accounts of the society along with the bank accounts were handed over to the newly elected office bearers and that the petitioners have not entered into the alleged agreements in their personal capacity and that there is no legally enforceable debt for being discharged by the petitioners.

5. Considering the facts and circumstances of the case, this Court is of the view that if the petitioners are not being continued as office bearers of A1 association, it is left open for them to file appropriate

application before the trial Court raising all the above contentions along with the relevant documents. On such application being filed, the trial Court is directed to decide the issue in accordance with law.

6. The learned Counsel for the petitioners submitted that NBWs were issued against the petitioners.

7. In view of the above submission, NBWs issued against the petitioners are hereby recalled and the presence of the petitioners before the trial Court is dispensed with except on the dates when their presence is specifically insisted by the trial Court. The petitioners are directed to be represented through a Counsel on all hearing dates.

8. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 7.4.2016

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-

-
-
-
-
-

CRIMINAL PETITION No.4967 OF 2016

DATED 7.4.2016

Nn