

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2872 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the First Information Report in Crime No.667 of 2016 of Kusaiguda Police Station, Hyderabad, Telangana State.

2. The petitioner is arraigned as sole accused in the aforesaid crime. The FIR does not disclose any offence having been committed at this stage. Perhaps, the crime is under investigation and, therefore, what has been mentioned by the concerned police while registering the complaint is 'Fire Accident' against provision of law to be quoted at the relevant column in FIR and at the bottom of the original complaint when the complaint was received.

3. Heard Sri N. Ramappa, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

4. Though, there is no necessity to enter into the factual aspect at this stage as the offence itself is not mentioned so far as the petitioner is concerned, still, the fact-situation requires advertence. The petitioner herein is a dealer of Old Cars of various branded companies and doing business in purchasing the cars and selling them to intending purchasers. The 2nd respondent - *de facto* complainant

when approached him in the last week of September, expressing his intention to purchase a BMW Model No.X3 of deep sea blue colour manufactured in the year 2014, negotiations were held and the *de facto* complainant has paid Rs.6,50,000/- for purchase of BMW X-3 Car bearing registration No.TN 45BK 5000 with Engine No.76168855 and Chasis No.WBAWZ570X00370544, thus, they entered into sale agreement, dated 29.09.2016 and the *de facto* complainant took delivery thereof on 30.09.2016 after the vehicle was inspected at Deutsche Motor Private Limited Service Station on 29.09.2016. He stated that after taking the delivery, it was transported through South Commercial Road Lines and the *de facto* complainant has driven the vehicle around 15 KMs., but strangely, the car caught fire while driving at 3.00 p.m. near Ashok Nagar, Kushaiguda and he got down immediately from the car and the local inmates called the Police and Fire Services, who extinguished the fire, but he sustained burns on his ankles and hands while opening the car door. Therefore, he complained to the police concerned. The *de facto* complainant stated that he purchased the car for a sum of Rs.30,00,000/- at New Delhi from the petitioner.

5. The petitioner submits that only to exploit the situation, the *de facto* complainant inflated the value though, he paid only Rs.6,50,000/- towards value of the car. The learned counsel for the petitioner would submit that absolutely there is no need to prosecute

the petitioner when the complaint at its face value do not make out commission of a cognizable offence and, therefore, seeks to quash the FIR.

6. The learned Additional Public Prosecutor would resist the request submitting that the crime is under investigation.

7. While narrating the facts hereinabove, it is stated that against provision of law at the relevant columns only the words “Fire Accident” is mentioned and investigation is taken up. There are disputed questions of fact as projected in the above. The crime is under investigation. The provision of law is yet to be determined by the Investigating Agency if at all any penal action is required to be initiated. In such an event, certainly, the request cannot be acceded to, more so, when it is doubtful whether a petition of this nature can be entertained.

8. The present Criminal Petition is, accordingly, dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the petition stand closed.

A. SHANKAR NARAYANA, J

April 13, 2017.
Mgr