

SMT.JUSTICE T.RAJANI

CRIMINAL PETITION No.5657 OF 2011

ORDER:

This petition is filed seeking for quashing of proceedings in Crime No.54 of 2011 on the file of Pet Basheerabadh, Cyberabad, it is filed for the offences punishable under Section 420 IPC.

2. Heard the counsel for petitioners and public prosecutor, who takes notice for the 1st respondent and none appears for the 2nd respondent, in spite of notice.

3. The contents of the complaint would show that it is purely a civil dispute between the parties. The petitioner herein was dealing with paper glass machine and the same was advertised in Eenadu news paper, on seeing which, the complainant approached the 1st petitioner herein and price was fixed at Rs.2,05,000/- as the cost of paper glass machine and in terms of the said agreement, some amounts were paid to the 1st petitioner under due receipts and thereafter, the remaining amounts were paid to the 2nd petitioner, who is the wife of the 1st petitioner also, under receipts. Later, the machine was also supplied to the complainant, it worked for two months, later it went into problems, then the complainant approached A1 to A3, they promised to arrange within one month, but they were postponing and later, the accused No.3 undertook to pay the amount if the other

accused failed to pay the amount, but the said amount is not paid.

4. It is absolutely a civil dispute and is attracted by the Consumer Protection Act also. Simply because the accused could not fulfil their promise under the agreement, it cannot be said that they had an intention to cheat the complainant. The facts nevertheless show that they have abided by the agreement and supplied the machine also. But for some reason, if the machine does not work, it cannot be said that the accused had an intention, from the inception, to cheat the complainant.

5. Hence, with the above observation, this Court is inclined to allow the petition, as the continuation of proceedings would only be an abuse of process of law in the light of the above factual situation.

6. Accordingly, this criminal petition is allowed and the further proceedings against the petitioners in Crime No.54 of 2011 on the file of Pet Basheerabadh, Cyberabad, are quashed.

7. Miscellaneous petitions pending consideration, if any, in this criminal petition shall stand closed in consequence.

T.RAJANI, J

05.12.2017
SS