

SMT.JUSTICE T.RAJANI

CRIMINAL PETITION No.2954 OF 2011

ORDER:

This petition is filed seeking for quashing of proceedings against the petitioner, who is the sole accused, in C.C.No.714 of 2010 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad, registered for the offences punishable under Sections 406, 408 and 420 IPC.

2. Heard the counsel for the petitioner and the public prosecutor for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. As per the contents of the complaint, the complainant deals with software development services, support and allied products. The accused voluntarily approached the company for procuring the job and joined as software trainee and the accused entered into an agreement. On 21.06.2000, the accused paid the amount under the receipts and the same was acknowledged as caution deposit, which has to be refunded to the candidate after completion of the prescribed period of term, which is three years. As per the agreement, the candidate has to work with the company for three years, but the petitioner never did so but he took a letter under stress and good faith. The accused voluntarily admitted that he has worked as a business analyst from June 2000 to

December 2001. Later, he filed petition before the consumer forum against the complainant with false allegations. It is that complaint, which the complainant herein terms to be an act of cheating. But from the complaint itself it can be understood that until the petitioner herein approached the consumer forum, the complainant did not express any grievance with regard to the alleged cheating. Hence, it appears that this complaint is absolutely a counter blast to the petition filed by the petitioner before the consumer forum.

4. Hence, the further proceedings in the above C.C. will only result in abuse of process of law. No ingredients of Sections 406, 408 and 420 IPC can be made out from the averments in the complaint.

5. Accordingly and with the above observation, this criminal petition is allowed and the further proceedings against the petitioner herein in C.C.No.714 of 2010 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad, are quashed.

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

T.RAJANI, J

05.12.2017
SS