

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2489 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in C.C. No.806 of 2010 on the file of Chief Metropolitan Magistrate, Vijayawada, arising out of Crime No.432 of 2007 of Krishna Lanka Law and Order Police Station, Vijayawada City.

2. The petitioner viz., Bhuma Rajarajeswari, who is arraigned as accused No.6, alleged to have committed the offence punishable under Section 420 read with Section 34 of Indian Penal Code, 1860.

3. Learned counsel for the petitioner draws attention of this Court to the order passed by this Court in Criminal Petition No.8342 of 2011, dated 17.03.2017, whereby and whereunder, quashment of the proceedings in the very same Calendar Case against accused Nos.2 to 5 was allowed. It is no doubt true, there is no reference to the part played by accused No.6 in the said order, and, accused Nos.2 to 5 were shown to have borrowed nearly an amount of Rs.10,00,000/- from the *de facto* complainant, but, the learned counsel would submit that it was accused No.1, who had borrowed the amount and accused Nos.2 to 5 stood as guarantors. Be that as it may, this Court placing reliance on the decision of the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal** and extracting the principles laid down therein, arrived at, that the dispute is purely of civil nature and

criminal proceedings cannot be continued and thereby quashed the proceedings against accused Nos.2 to 5. Since the petitioner herein, who is accused No.6 in the very same proceedings, certainly, cannot be discriminated.

4. Therefore, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner - accused No.6 in C.C. No.806 of 2010 on the file of Chief Metropolitan Magistrate, Vijayawada.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

March 24, 2017.
PV

A. SHANKAR NARAYANA, J

