

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6357 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioner in Crime No.182 of 2011 on the file of Mancherial Police Station, Adilabad District. The offences alleged are under Sections 406, 420 and 506 IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for 1st respondent. None appears for 2nd respondent in spite of notice.

3. The allegations in the complaint are that the accused is doing Solar System business at Karimnagar and he supplied solar system to other dealers and, as such, he got acquainted with the complainant and the accused offered to supply solar system, to be arranged to Thirumala Enclave, Gouthaminagar, Mancherial, which was constructed by the complainant. The accused agreed to supply the same for Rs.3 lakhs and the complainant agreed to purchase the same and the complainant's firm paid some amount in cash and some amounts by way of cheques and the receipt was issued by the agent of the accused. Subsequently, the accused failed to supply the solar system in spite of several requests and got the matter prolonged. Finally, when the complainant approached the accused and demanded him either to supply the solar system or to return the cash, the accused abused and threatened to do what he would like.

4. A reading of the complaint would show that it is completely a contractual transaction between the parties. Simply because there is a violation of the contractual obligation, it cannot be said that there was an intention on the part of the accused to cheat the complainant.

5. The allegations insofar as Section 506 IPC are concerned, are very vague. The allegation seems to be only that the accused failed to repay the money and threatened him to do what he would like. The said threatening, would not amount to threats, which fall under Section 506 IPC. The complainant has a civil remedy to realise the amounts. Hence, he cannot take the contractual violation as a basis for filing the criminal case. In view of the above, this Court is of the considered opinion that continuation of proceedings against the petitioner would absolutely be an abuse of process of law.

6. With the above observations, the Criminal petition is allowed and the proceedings in Crime No.182 of 2011 on the file of Mancherial Police Station, Adilabad District, against the petitioner shall stand quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 14, 2017
LMV

T. RAJANI, J