

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1427 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceedings in C.C.No.653 of 2016 on the file of Judicial Magistrate of First Class, Tadipatri.

2. Heard Sri P. Durga Prasad, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. The main submission of the learned counsel for petitioner is that the cheques were issued by the petitioner in the name of an individual i.e., Yeruva Joji Reddy for a sum of Rs.50,00,000/- each, but not in the name of M/s.Sampada Avenues Private Limited, with whom the petitioner has entered into a Memorandum of Understanding (MoU), and this ground alone is sufficient to quash the proceedings in the Calendar Case.

4. Turning to the facts, it appears that the petitioner agreed to sell an extent of Ac.160.00 of land situated at Gangubudi and Gajapathinagaram Villages at the rate of Rs.20,50,000/- per acre and entered into an MoU with M/s. Sampada Avenues Private Limited, represented by its Director, Yeruva Joji Reddy, and received a part of sale consideration to the tune of Rs.1,25,00,000/-. It appears, there was some sort of dispute between the parties and the contract under MoU appears to have been fizzled out. Learned counsel for the

petitioner also pointed out to a letter said to be 'acceptance letter', captioned in Telugu as 'Angikara Patram', written on a stamp paper of Rs.100/- denomination. Though, the learned counsel for petitioner would submit that the cheques were issued towards security for the sale transaction, but the said document does not disclose in specific terms that the cheques were issued towards security. However, this has to be sorted out only by the trial Court when the parties examine themselves as witnesses.

5. So far as the cheques are concerned, it is premature to express anything on them, more particularly to accede to the request of the learned counsel for petitioner, for the reason, respondent No.2 is no other than the Director of M/s.Sampada Avenues Private Limited. The very same position also finds place in the MoU. In such an event, the trial Court alone could appreciate the evidence on record and the intricacies now pointed out. Just basing on the said intricacies, it cannot be construed that prosecution of proceedings in the Calendar Case would amount to abuse of process of law.

6. Hence, the Criminal Petition is dismissed. The trial Court is hereby directed not to get influenced by any of the observations made herein above, while disposing of the Calendar Case. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

February 21, 2017.
MD