

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6703 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner in FIR.No.130 of 2011 on the file of Tirupati East Police Station, Tirupati Urban, Chittoor District. The offences alleged are under Sections 420, 465 and 468 IPC.

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

3. The basis for the complaint is the sale agreement that was entered into between the accused and the complainant. The complainant alleges that after obtaining the sale agreement, the accused issued cheques but when they were presented for collection, they were dishonoured. Hence, following the said dishonour, the complainant took steps to issue public notice intimating the public about the said fact and he also terminated the contract by way of a registered legal notice.

4. Hence, it appears that the grievance of the complainant was being redressed by virtue of issuance of registered notice to the accused and public notice to the public. For mere non-compliance of the terms of the agreement, it cannot be said that the accused has committed an offence of cheating. Absolutely, the allegations do not constitute the offences under Sections 420, 465 and 468 IPC. Hence, this Court opines that

continuation of further proceedings in the crime would only be an abuse of process of law.

5. With the above observations, the Criminal Petition is allowed and the proceedings in FIR.No.130 of 2011 on the file of Tirupati East Police Station, Tirupati Urban, Chittoor District, against the petitioner, are hereby quashed.

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

December 14, 2017
LMV

T. RAJANI, J

