

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.10419 OF 2013

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/A-1 and A-2 seeking to quash the proceedings in Crime No.291 of 2013 of Osmania University Police Station, Hyderabad, registered for the offences punishable under Sections 406 and 420 of I.P.C. and Section 156(3) of Cr.P.C.

2. Heard learned counsel for the petitioners, learned Public Prosecutor, appearing for the 1st respondent – State, and learned counsel for the 2nd respondent – complainant.

3. The case of the complainant is that, in the month of July, 2008, the petitioners herein approached the complainant, which is a company engaged in the business of hire purchase financing and leasing, for financing a vehicle and, accordingly, the complainant paid Rs.9,00,000/- to the petitioners, repayable in 36 equal monthly instalments at the rate of Rs.35,875/- p.m. commencing the 1st instalment from 05.08.2008; the petitioners, though initially paid some instalments, later defaulted in paying the remaining instalments. Subsequently, the petitioners with the active collusion with each other are trying to dispose of the vehicle, without any intimation to the complainant – company, and misappropriated the amount.

4. From the allegations made in the complaint, it can be understood that the transaction between the parties is a commercial transaction and mere failure to pay the instalments does not constitute an offence.

5. Learned counsel for the 2nd respondent – complainant contends that the vehicle was sold but the same is not reflecting in the complaint, cannot be considered, as there is a positive averment in the complaint saying that the petitioners are trying to dispose of the vehicle. No foundation was laid for the contention that they sold the vehicle.

6. From the complaint no case which is alleged against the petitioners is made out. Hence, this Court opines that continuation of further proceedings against the petitioners would result in sheer abuse of process of law.

7. Therefore, the Criminal Petition is allowed and all further proceedings against the Petitioners/A-1 and A-2 in Crime No.291 of 2013 of Osmania University Police Station, Hyderabad, are hereby quashed.

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

T. RAJANI, J

Date: 26.09.2018.
Dsh



SMT JUSTICE T.RAJANI**162****29092018****CRIMINAL PETITION No.10419 OF 2013**

Date.26.09.2018

DSH