

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.2408 OF 2018

ORDER:

This petition is filed by the petitioner-A3 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.59 of 2017 on the file of the Station House Officer, Central Crime Station, Hyderabad, registered for the offences punishable under Sections 403, 420 and 406 r/w 120-B IPC.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A3 would submit that the amount alleged to have been paid in the year 2012. There is also a Memorandum of Understanding entered into between the parties on 01.02.2012 agreeing that an amount of five crores rupees to be refunded without resorting to civil litigation. The de facto complainant did not collect the amount for the last 7 years and lodged the complaint against the petitioner. All the allegations are utterly false and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioner in the petition?

5. The point for determination is whether the proceedings in Cr.No.59 of 2017 of Central Crime Station, Hyderabad, against the petitioner-A3 are liable to be quashed?

6. As per the material placed on record, A1 along with A4 and the petitioner-A3 approached the de facto complainant through a common friend by name

Chamundeshwarnath and represented that A2 promoted a super car racing company in the name and style of M/s Machdar Motorsports Private Limited and is allocating franchises in 9 cities and also represented to the de facto complainant that their franchises are pretty much on demand. Further it is stated to the de facto complainant that there are various celebrities who bought their franchises quoting the names of Cine Actors Nagarjuna, Shahrukh Khan and Sachin Tendulkar and made the de facto complainant to invest an amount of Rs.7,44,52,500/- and the de facto complainant paid the amount by way of cheques in the name of A1, for which the petitioner-A3 is a contractor. Even as per the M.O.U. entered into between the parties, dated 01.02.2012 an amount of five crores rupees had not been refunded. Further it is also borne by the record that A2 and other accused have floated another company and misappropriated amounts paid by the de facto complainant and caused wrongful loss to the de facto complainant. Basing on the allegations, this case was registered for the offences referred above and it is under investigation. The allegations do constitute the offences stated supra. The investigation has to go on with regard to innocence or otherwise of the petitioner-A3. It cannot be held that the dispute between the parties is civil in nature and the petitioner has to collect his money as per M.O.U. dated 01.02.2012. It cannot be held that merely because the de facto complainant did not collect the amount for the last 7 years, he cannot lodge the impugned complaint. Under these circumstances, there are no merits to quash the proceedings. The petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 27-02-2018.

Hsd

