

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9211 OF 2011

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/A-1 to A-3 seeking to quash the proceedings in C.C. No.190 of 2010, on the file of the Court of Special Judicial First Class Magistrate for Prohibition and Excise Offences, Machilipatnam, Krishna District (for short, 'the trial Court'), registered for the offences punishable under Sections 406, 420 and 471 of I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent – State. None appears for the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. The complaint is filed stating that the complainant has insured his life with A-1, Sri Ram Life Insurance Company Limited, and obtained three policies in his name, on 31.03.2007; as per which, he has to pay the premiums for the said policies in first three consecutive years. As per the procedure, A-1 – Company has to issue the policy bonds along with the booklets as well as the xerox copies of the applications signed by him, at the time of submitting the documents, for obtaining policies. While so, after one month, A-6 issued first policy bond; one month 12 days thereafter, A-6 issued second policy bond, without enclosing any booklet or the xerox copy of the application signed by the complainant. In the month of July, 2007, A-7 came to the house of the complainant and demanded him to sign on some blank papers stating that the application signed by him was misplaced. When he questioned A-7 about the purpose of obtaining his signatures on blank papers and refused to sign, A-7 went away and, to his surprise, he received 3rd policy bond got issued by the accused, without enclosing any booklet or the xerox copy of the application signed by him.

4. The specific allegation against the petitioners is that all the accused conspired together and got issued the forged policy bonds.

5. Learned counsel for the petitioners submits that, prior to filing of this complaint, the complainant already approached the District Consumer Forum and obtained an order in his favour *i.e.*, Rs.5,000/- towards compensation for the delay occurred in issuing the policy bonds by the accused. Aggrieved by the said order, the petitioners herein went in Appeal and, by virtue of the order in F.A. No.942 of 2008, which is preferred against the order in C.C. No.61 of 2007 of the District Consumer Forum Krishna at Machilipatnam, the Circuit Bench of A.P. State Consumer Disputes Redressal Commission at Vijayawada reduced the compensation to Rs.3,000/- by observing that the mental tension undergone by the complainant for the delay in issuing the policies has to be taken into account, while assessing the quantum of compensation. It was further observed therein that the complainant has not suffered any actual loss for the delay in issuing the policy bonds.

6. Hence, it appears that the complainant was oversensitive and has been overanxious and could not wait for the bonds to be issued by the petitioners. The complainant does not lay any foundation to say that the bonds are forged. Even the order of the A.P. State Consumer Disputes Redressal Commission does not reflect that any plea of forgery was taken by the complainant therein.

7. Hence, in view of the above, this Court opines that the complaint is false and continuation of further proceedings against the petitioners would result in sheer abuse of process of law.

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the petitioners/A-1 to A-3 in C.C. No.190 of 2010, on the file of the Court of Special Judicial First Class Magistrate for Prohibition and Excise Offences, Machilipatnam, Krishna District, are hereby quashed.

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

T.RAJANI, J

Date: 11.10.2018.
Dsh

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Date. 11.10.2018

DSH