

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.9738 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in CC.No.295 of 2011, against the petitioner, who is A2, on the file of the Judicial First Class Magistrate, Armoor, Nizamabad. The offences alleged are under Sections 406 and 420 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The case of the complainant is that the accused are the partners of the firm and the petitioner was managing the affairs of the firm. The petitioner mismanaged the affairs of the firm and also got mortgaged the properties of the complainant. With regard to the said mismanagement, there was an agreement between the petitioner and the second respondent before the elders but the petitioner did not fulfil the said agreement also and subsequently, he executed a bond in favour of the complainant. The allegation against the petitioner is that on 06.04.20011, the petitioner went to the house of the second respondent and asked him to return the bond and they also beat him. However, the offences alleged are only under Sections 406 and 420 IPC. It appears that the petitioner, accepting mismanagement, has executed a bond in favour of the second respondent, which can be acted upon.

4. Hence, in view of the above, this Court opines that this is purely a civil dispute and continuation of further proceedings against the petitioner for the alleged offences would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in CC.No.295 of 2011, against the petitioner, who is A2, on the file of the Judicial First Class Magistrate, Armour, Nizamabad, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 25, 2018
DSK

T. RAJANI, J

