

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7257 of 2011

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioner, who is the accused, in Crime No.147 of 2011 on the file of East Police Station, Tirupathi, Chittoor District. The offences alleged against the petitioner are under Sections 468, 477(a) and 420 IPC.

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

3. The case of the complainant is that there was a loan agreement between himself and the petitioner for a sum of Rs.40 lakhs with an interest at 15.75% per annum and that the monthly instalments were agreed to be @ Rs.1,12,850/- and, as such, the entire loan was paid. But the accused is not given full satisfaction memo and is not returning the title deeds. It is also alleged that the accused have induced the complainant to borrow the amount and that they have fabricated certain documents.

4. The counsel for the petitioner submits that as per the loan agreement, the EMI is Rs.1,35,833/-. He further submits that the matter was referred to the arbitrator as per the arbitral clause incorporated in the agreement and the arbitrator also decided that some amounts are due to the petitioner.

Against the said order, the complainant went in appeal viz., Arbitration O.P.No.290 of 2011 and the same was also decided in favour of the petitioner.

5. Hence, the above circumstances would only show that the matter related to the monetary transaction between the parties and arbitration was also held. In view of the above, this court opines that the allegations made by the complainant, *prima facie*, do not attract any of the offences alleged against the petitioner. Hence, continuation of further proceedings against the petitioner would only result in abuse of process of law.

Accordingly, the Criminal petition is allowed and the proceedings in Crime No.147 of 2011 on the file of East Police Station, Tirupathi, Chittoor District, are hereby quashed.

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

T. RAJANI, J

August 23, 2018
LMV