

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12871 of 2013

ORDER:

This petition is filed by the petitioners, who are the accused, seeking to quash the proceedings in C.C.No.1317 of 2013 on the file of the court of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, against them. The offences alleged are under Sections 406 and 420 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 2nd respondent as well as the counsel appearing for the 1st respondent.

3. As per the complaint, the complainant purchased the vehicle on 15.12.2001 in the name of A4 from the 1st petitioner and after receiving the amount from the complainant, A4 left the place stating that he would come on the date of registration, but he did not turn up. A legal notice was issued on 16.04.2002 but the same was returned. On 20.07.2013, the complainant came to know that A4 registered the vehicle at Nizamabad RTA, but the original invoice papers are with the complainant's custody. The complainant went to S.R.Nagar Police Station to file the complaint, but the officer did not take the complaint. The Complainant went to A1 and A2 but A1 and A2 were not interested in talking to the complainant. So the complainant approached A4 and A4 said that he has bought another invoice paper from A2 and A3 by removing the hypothecation of the complainant company and registered the vehicle in the Nizamabad RTA and sold the vehicle.

4. The counsel for the petitioner submits that the complainant is in the habit of filing such complaint and there was a settlement between the parties in respect of the some of the complaints filed by the complainant. The settlement was in the year 2007.

5. Be that as it may, on the face of it also the complaint seems to be a vexatious complaint. The transaction took place way back in the year 2001 and the complaint is filed in the year 2013. It is not as if the complainant came to know for the first time in 2013 that the vehicle was registered in RTA. The complainant submits that he had issued a notice on 16.04.2002 itself. The delay from 2002 to 2013 would throw any amount of doubt on the case of the complainant. Hence, it can be concluded that the complaint is a frivolous complaint.

6. In view of the above, this court opines that the continuation of further proceedings against the petitioners would be an abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.1317 of 2013 on the file of the court of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, against the petitioners, shall stand quashed. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

T. RAJANI, J

November 12, 2018
LMV