

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.901 OF 2013

ORDER:

This petition is filed by the petitioners, who are A1 and A2, seeking to quash the proceedings in Crime No.117 of 2012 on the file of the Chinthapalli Police Station, Nalgonda District. The offence alleged is under Section 356 IPC.

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

3. The allegations in the complaint shows that the *de facto* complainant has purchased a property with the help of finance taken from Vijayalaxmi Finance & Investment situated at Khairatabad by entering into agreement, dated 23.10.2010. Petitioner No.1 herein is the proprietor of the said Finance Company. While entering into agreement, the complainant promised to discharge the said loan by way of instalments of Rs.5,000/- per month upto 15 months and later from 16th to 30th instalment, amount was agreed to be Rs.4,170/-. It is stated that even after completing 15th month he was paying Rs.5,000/- upto 22nd instalment, but due to his ill health and financial problems he could not pay 5 instalments. Due to the failure of the complainant for payment of the installments, the petitioners came and forcibly took away his auto stating that he is not paying the instalments.

4. Though the offence alleged against the petitioners is under Section 356 IPC, the allegations in the complaint do not attract the alleged offence as it is nowhere shown that any force was used by the petitioners while seizing the auto and absolutely no assault was alleged against the petitioners. It predominantly appears to be a civil dispute relating to the terms of contract between the petitioners and the *de facto* complainant.

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

6. With the above observations, the Criminal Petition is allowed and the proceedings in Crime No.117 of 2012 on the file of the Chinthapalli Police Station, Nalgonda District, against the petitioners, are hereby quashed.

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

T.RAJANI, J

December 5, 2018
LMV