

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8459 of 2017

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner in F.I.R. No.171 of 2017 on the file of Matwada Police Station, Warangal District.

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

3. A perusal of the complaint would show that in the year 2007-2008, the Managing Director of M/s. Sri Sai Electricals, who is the petitioner herein, approached the officials of Telangana State Northern Power Distribution Company Limited and made them believe that the above firm will supply various capacities of transformers with a guarantee of five years and on believing the same, the officials of the complainant purchased huge quantity of transformers and later, the transformers were found to be defective. They again approached the petitioner for repair of the said transformers and for replacement of the same. Due to the defective transformers they are not able to use the same. These are the allegations that are made in the complaint, which cannot attract any offence. At the most, it is only a contractual default that has taken place between the parties, for which, there are appropriate remedies available. The allegations in the complaint do not attract the offence under Section 420 and 406 IPC. Merely because there is some defect

in the goods supplied by the petitioner, in pursuance of a contract, it cannot be said that the petitioner had any intention to cheat the complainant. In view of the above, this Court is of the view that it is a fit case to quash the impugned proceedings against the petitioner.

4. Accordingly, the Criminal Petition is allowed and the proceedings in F.I.R. No.171 of 2017 on the file of Matwada Police Station, Warangal District are quashed.

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

January 04, 2018
Tsr



T. RAJANI, J