

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2036 of 2012

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioners, who are accused 1 and 2, in Crime No.16 of 2012 on the file of Bibinagar Police Station, Nalgonda District. The offences alleged against the petitioners are under Sections 420 and 506 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. A perusal of the complaint would show that the complainant executed a sale deed in favour of the petitioners for a consideration of Rs.90 lakhs. The allegation is that the said consideration was not, in fact, received by him and that the petitioners lured the complainant that he would give him 1,000 tonnes of steel available in their steel factory and that they could not give the same. He also submits that the consideration is not, in fact, Rs.90 lakhs and it was Rs.3 crores. Now he files this complaint on 06.02.2012, with the above allegations.

4. The counsel for the petitioners relies on a ruling of the apex court in CrI.A.No.2069 of 2012, dated 14.12.2012, between *Paramjeet Batra vs. State of Uttarakhand and others*, wherein it was held that when a dispute is essentially of a civil nature and if it is given the cloak of criminal offence and if a civil

remedy is available, the High Court should not hesitate to quash the criminal proceedings to prevent abuse of process of court.

5. From the face of the allegations made in the FIR, it appears that it is completely a dispute, which is of civil nature. In the ordinary course of things, it cannot be expected that a vendor would part with his property on a promise of future consideration.

6. Hence, in view of the above, this court opines that it is a fit case for quashing the proceedings.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners in Crime No.16 of 2012 on the file of Bibinagar Police Station, Nalgonda District, are hereby quashed.

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

August 14, 2018
LMV

T. RAJANI, J