

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.7449 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the petitioners/accused seeking to quash the proceedings in C.C. No.137 of 2011, on the file of the Court of II Additional Judicial First Class Magistrate, Kovvur, West Godavari District, registered for the offences punishable under sections 120(B), 415 and 420 R/w.34 of I.P.C.

2. Heard learned counsel for the petitioners, learned Public Prosecutor appearing for the 1st respondent – State, and learned counsel for the 2nd respondent – complainant.

3. Learned counsel for the petitioners submits that there was a construction agreement between the complainant and these petitioners and that, initially, Rs.4,90,000/- was agreed to be the cost of construction for each flat but, later, some additional amount was incurred by the complainant, allegedly, with regard to the construction and that there was another agreement between the parties with regard to the amounts that have to be paid by the petitioners to the 2nd respondent and that the petitioners requested the 2nd respondent to permit them to pay the amounts in installments.

4. Learned counsel also submits that though there was a suit filed by the 2nd respondent for realization of the amount, and the same was decreed, an Appeal was preferred and stay was obtained with regard to realization of the amount.

5. But the submissions made by both parties would show that the dispute, apart from being a civil dispute, the parties have approached the civil Court for redressal of their grievances. At any rate, the dispute does not seem to be involving any criminality and it is only a dispute pertaining to an agreement between the parties.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioners would result in sheer abuse of process of law.

7. Therefore, the Criminal Petition is allowed and all further proceedings in C.C. No.137 of 2011 on the file of the Court of II Additional Judicial First Class Magistrate, Kovvur, West Godavari District, against the petitioners, are hereby quashed.

8. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

Date: 24.09.2018.
Dsh

T. RAJANI, J



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Date. 24.09.2018

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