

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.14016 OF 2011

ORDER:

This petition is filed, by the petitioners, seeking for quash of the proceedings against them in C.C.No.279 of 2007 on the file of the court of II Metropolitan Magistrate for Railways at Vijayawada. The offences alleged are under Section 420 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 are that the complainant purchased a plot from the accused on instalment basis in the year 1999 and completed the instalment in the year 2000 by paying a total amount of Rs.55,000/- and asked the accused to register the plot, for which he was dragging on the matter on one pretext or the other.

4. On the face of the complaint, it can be seen that there is huge delay in lodging the complaint. When the transaction was in the year 1999 and when the total instalment was paid in the year 2000, the complainant cannot be expected to wait till 2003.

5. The counsel for the petitioners submits that subsequent to the filing of this complaint, the complainant filed a case before the District Consumer Forum No.II at Vijayawada in CD No.169 of 2004, which was allowed by order, dated 17.09.2004, and the petitioners therein were directed to pay a sum of Rs.55,000/-

@ 12% interest. Thereafter, the complainant filed a penalty petition viz., P.P.No.48 of 2005. At that stage, the matter was compromised between the parties. He also files a copy of the full satisfaction memo filed by the decree holder, who is the complainant herein.

6. 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.

7. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.279 of 2007 on the file of the court of II Metropolitan Magistrate for Railways, at Vijayawada, against the petitioners, are hereby quashed.

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

T.RAJANI, J

December 3, 2018
LMV