

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.8416 OF 2011

ORDER:

The criminal petition is filed for quash of the proceedings in Cr.No.38 of 2011 on the file of Ballikaruva Police Station, Prakasam District, registered for the offences under Sections 471, 420 and 107 read with Section 34 IPC.

Heard learned counsel for the petitioners and the learned Public Prosecutor appearing for the 1st respondent. None appears for respondents 2 to 5, despite service of notice.

The complaint is filed stating that cheques were issued by the complainant to A.1 and A.2 along with promissory notes with regard to the transaction between them and the complainant, which is in respect of purchase of cotton. The allegation against the first petitioner/A.4 is that he misused the promissory note which was issued by A.1 and A.2 and that A.5 and A.6 assisted A.1 being his close associates; with the aid of other accused, A.4 is stated to have used the promissory note and filed a suit.

Counsel for the petitioners submits that suit was filed on 25.11.2010 whereas complaint is filed on 29.07.2011.

The suit is stated to be still pending. From the facts mentioned above, it appears that the issue between the parties is purely of civil nature.

Hence, in the above circumstances, continuance of the proceedings against the petitioners would result in abuse of process of law.

Accordingly, the criminal petition is allowed and the proceedings against the petitioners in Cr.No.38 of 2011 on the file of Ballikaruva Police Station, Prakasam District, are quashed.

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

August 28, 2018
MRR

T. RAJANI, J

