

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6415 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are accused Nos.1 and 2, in Crime No.118 of 2011 on the file of Wardhannapet Police Station, Warangal District.

2. Heard the counsel for the petitioners; the Public Prosecutor appearing for the 2nd respondent; and the counsel appearing for the 1st respondent.

3. The counsel for the petitioners submits that this is purely a civil dispute between the parties. The 2nd petitioner, who is A2, is the wife of A1. The allegations in the complaint would show that these petitioners were acting on the instigation of A3, who is their son, and they are interfering with the day-to-day affairs of the business of the complainant. The complaint also speaks about an exchange deed and that in spite of the said exchange deed, petitioners have filed a suit for partition viz., O.S.No.5 of 2007 on the file of the IV Additional District Judge at Warangal against the complainant by suppressing the execution of registered deed of execution on receipt of Rs.11 lakhs from the complainant and also about the partnership deed, which was executed on 31.01.2001.

4. All these allegations can be taken as a defence by the complainant in the said suit. There are absolutely no allegations,

which would constitute the offence under Section 420 IPC. It appears, that it is only the difference of opinion with regard to the division of properties, which has led the complainant to file a complaint. Hence, in view of the above, this court opines that continuation of proceedings against the petitioners would only result in abuse of process of law and wastage of court's time.

6. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners, who are accused Nos.1 and 2, in Crime No.118 of 2011 on the file of Wardhannapet Police Station, Warangal District, are hereby quashed.

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

January 2, 2018
LMV



T. RAJANI, J