

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1896 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 & A.2, to quash the proceedings in Crime No.225 of 2019 of Banjarahills Police Station, Hyderabad District, registered for the offences punishable under Sections 420 & 406 of IPC.

2. Heard the submissions of Sri S.Niranjana Reddy, learned senior counsel appearing for Sri Pasham Mohith, learned counsel for the petitioners/A.1 & A.2, the learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned senior counsel appearing for the petitioners/A.1 & A.2 would submit that the dispute between the parties to the litigation is civil in nature. In clause 2 of the Memorandum of Understanding, dated 09.01.2018, entered in between the petitioners/A.1 & A.2 and the de-facto complainant, there is a specific mention that the petitioners/A.1 & A.2 are entitled to appoint other distributor/s within the same territory. There is no violation of any of the conditions mentioned in the aforementioned Memorandum of Understanding. There is neither inducement nor any entrustment of property. No offence punishable under Sections 406 & 420 of IPC is made out against the petitioners/A.1 & A.2. All the allegations made in the subject

First Information Report, dated 23.03.2019, are civil in nature and ultimately prayed to allow the application.

4. The material placed on record and the copy of the Memorandum of Understanding, dated 09.01.2018, are in consonance with the submissions made on behalf of the petitioners/A.1 & A.2. It appears that the dispute between the parties to the litigation is civil in nature. Under these circumstances, the investigating officer shall not arrest the petitioners/A.1 & A.2. However, he can proceed with the investigation, complete the same and file Charge Sheet or Final Report, as the case may be, before the Court concerned.

5. With the above observation/direction, this Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

09th April, 2019
Bvv

Dr. SHAMEEM AKTHER, J