

HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.2 and 3 of 2019

In/and

CRIMINAL PETITION No. 7410 of 2019

ORDER:

This Criminal Petition is filed by the petitioners-accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.264 of 2014 on the file of S.H.O. Madhira Town Police Station, Khammam District, registered for the offences punishable under Sections 420,468, 465, 417, 418 and 471 r/w 34 IPC.

2. It is stated in the affidavit filed by the 2nd respondent/de facto complainant that the petitioners induced his children to invest in M/s Pavan Sai Cold Storage and accordingly, they invested money and became partners. The 2nd respondent gave two plots in Khammam as security on behalf of cold storage to Union bank and the security is towards the loans given to farmers. On the basis of Ware House Receipts of the stocks, they deposited in the Cold storage. On default of the farmers, the bank gave him notices that the loan accounts are fake and were misused by the management and requested the police to take action. It is further submitted that on the complaint made by Union Bank making allegations against the other partners as well as against his children, who are partners, a case in Cr.No.367 of 2014 of Madhira P.S. was registered

on 13.10.2014. It is further submitted that investigation of both cases was transferred to Inspector of Police, CID, Warangal, and an application was filed by the CID before the II Addl. Judl. Magistrate of I Class, Khammam, to club both the cases. During pendency of application, the partners of the cold storage at the behest of well wishers, resolved to put an end to their internal disputes owing to which, criminal cases were filed. In order to maintain peace, they desired to alienate the cold storage and clear the alleged loss caused to Union Bank and entered into a deed with third party investors on 05.10.2017. It is further submitted that even prior to agreement with investors, the cold storage submitted OTS proposal and Union Bank accepted the same and communicated its acceptance through letter, dated 06.09.2017. As a result, a total amount of Rs.4,56,43,000/- was paid to the bank and the issue with the bank was settled. It is further submitted that the loss caused to him owing to the investments made by his children were made good by the accused and others with the help of third party investors and his property documents are not yet released by the Union Bank as they have stipulated a condition that the criminal cases shall be withdrawn by the parties. On reconciling of the matter, the de facto complainant wrote a letter to police that he is withdrawing the criminal cases. However, the criminal

cases are haunting and documents are not released. Therefore, it is prayed to record the compromise and quash the proceedings. Accordingly, the de facto complainant filed I.A.Nos.2 and 3 of 2019 to record the compromise and to compound the offences. Along with the petitions, a joint memo came to be filed, which is supported by the affidavit of the second respondent.

3. Today, both the parties are present before this Court and they are identified by their respective counsel. This Court, when examined, both the parties have stated that at the instance of the elders, they have settled the matter out of the Court and the second respondent has no objection for quashing the proceedings against the petitioners.

4. In the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded and I.A.Nos.2 and 3 of 2019 are ordered.

5. Accordingly, the Criminal Petition is allowed in terms of compromise, and the proceedings in Cr.No.264 of 2014 of CID, Warangal (II Addl. Judl. I Class Magistrate, Khammam) against the petitioners-accused are hereby quashed.

6. Miscellaneous petitions, if any pending shall stand closed.

JUSTICE G. SRI DEVI

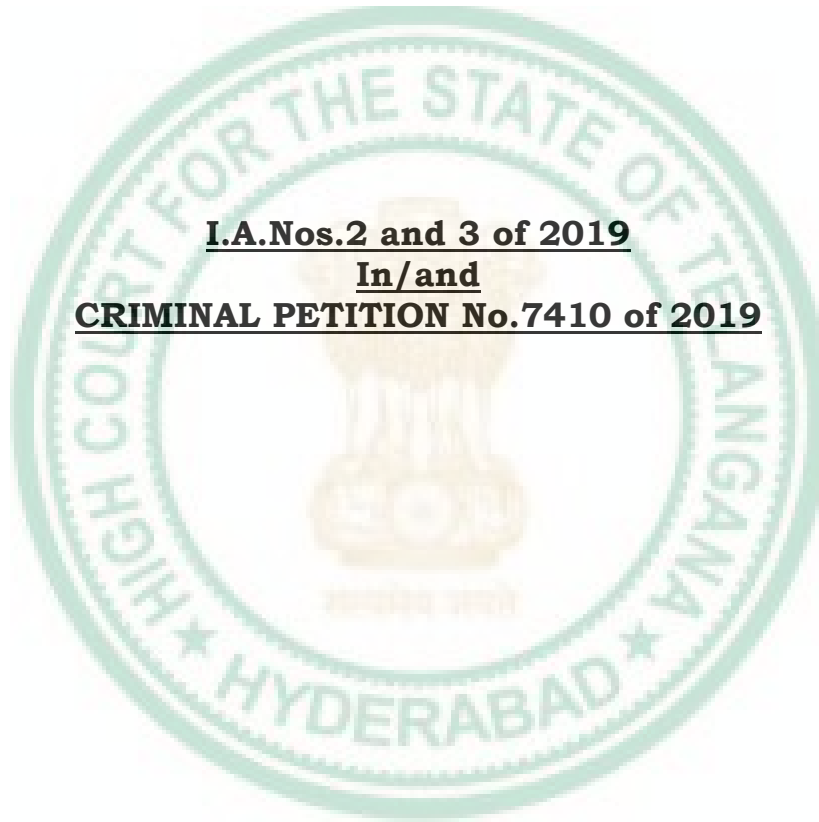
DATED: 06.12.2019.

Hsd



HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.2 and 3 of 2019
In/and
CRIMINAL PETITION No.7410 of 2019



Dated: 06.12.2019

Hsd