

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

Cr1.P..No.8169 OF 2014

ORDER :

The petitioner is A2 – M/s SRR Properties India Private Limited, represented by its Managing Director K.Ravi Kumar in C.C.No.494 of 2013 on the file of X Additional Chief Metropolitan Magistrate, Secunderabad, out come of the report of the 1st respondent/*de facto* complainant, no other than the practicing advocate and advocate for the 2nd respondent in several matters before the Consumer District Forum and the Appellate Commission, as the case may be.

Respondent No.3 is M/s SRR Residents Welfare Association, represented by its President K.Raghavendra Rao.

Undisputedly, the *de facto* complainant is not counsel for either petitioner/A2 or respondent No.3/A3, but for only to respondent No.2/A1.

The sum and substance of the accusation in the private complaint taken cognizance after recording the sworn statement of the complainant by the learned Magistrate in SR No.1024 of 2013 in allotting the calendar case in issuing process under Section 204 Cr.P.C against A1 to A3 is that A1 handed over his case by engaging the complainant against A2, who is quash petitioner herein, which was totally independent of the case of A3 with Human Rights Commission and A1 sent vakalat and received instructions

and the case has been prepared, filed before the Commission for compensation of Rs.23,49,000/- against A2. A3 as also party to it and it was the matter before the State Commission, A1 promised to pay 25% of the amount being awarded as compensation to the complainant towards fee, for which the complainant rejected saying he is ready to accept only as per fees rules and nothing beyond and from that the complaint was filed before the State Commission on 13.02.2012 and affectively argued the case on behalf of A1 that she admitted and notice served on A2, A3 and the case was coming for several adjournments till 20.02.2013 and the complainant as advocate for A1 was attending for the complainant in the State Commission was attending and that when the case reached, the complainant before the State Commission, A1 to A3 seems to have been arrived understanding behind back to avoid fees by A1 and even demanded by raising bills of complainant/accused, though they have colluded threatened not to demand and A3 paid his fee by account payee cheque when the matter is pending before the Human Rights Commission. It is further averred that A2, the arrogant builder, who is opposed, nothing to do with the complainant, on 30.12.2012 and threatened with dire consequences not to demand fee from A1 and when the same is complained, he also abused him, and police did not take action from which the complaint is filed.

There is no proof regarding so called threats muchless that by itself no way constitute the offence of criminal intimidation in the absence of fearing the mind of the persons to attract the offence under Section 506 IPC. Thereby no offence under Section 506 IPC made out for the private complaint taken cognizance for that there remains under Section 120B, 420 and 34 IPC. There is nothing to show any criminal conspiracy between A1 to A3 against the complainant for what is the relation between the complainant and A1, is advocate and client and if at all any fee due, he is entitled to lien on the bundle not to return besides civil enforceability and any non payment of fee criminal conspiracy not made out muchless to the offence of cheating. Thereby, taking of cognizance for the offences against the petitioner/A2 on its face, no way with substance.

Having regard to the above, the criminal petition is allowed by quashing the proceedings against the petitioner/A2. The bail bonds of the petitioner, if any, shall stands cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

24.01.2019
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