HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10134 of 2018

ORDER:

The petitioners are accused No.A.1 to A.6 in Crime No.317 of 2018 of Vemulawada Town Police Station, Rajanna Sircilla District, registered for the offence punishable under Section 420 IPC.

It is on the report of the 2nd respondent/defacto complainant dated 07.09.2018, the said crime was registered. The sum and substance of the report of the defacto complainant in registration of the crime from her telugu report reads that she is living by rolling beedis and running an agency by name Charbhai Bidi Company at R & R colony, Rudravaram since 2004 and at the time taking agency she deposited Rs.50,000/- to the company in her name and another of Rs.33,000/- in the name of her husband Devaiah. Besides the said amounts, her PF amount Rs.40,000/-, bonus amount Rs.40,000/-, bidi amount of Rs.12,375/- and commission amount of Rs.53,000/- respectively are due making total Rs.2,28,375/-i.e payable by accused named by her as Suresh Kannan, Bhaskar, Chandrasekar, Thaif, Taher Khan, Ravinder Thekedaar. They came with an allegation as if she is using duplicate tobacco for rolling beedis and on that pretext on 14.02.2018, they obtained her signatures on blank papers and removed her from service and threatened all the workmen working therein and when she questioned about it they promised to give other agency within three months. When that was postponed, she again demanded the money but they refused to give the money referred supra and said to do what she can do. Along with the quash petition impugning the same, an agreement with terms regarding the agency is filed running in four pages with several

conditions upto 26 in number of which condition No.15 provides for termination of agency where the agency is unable to perform duties for considerable period, the company can forfeit security deposit and terminate the agreement.

It is one of the contentions that the defacto complainant voluntarily executed a letter admitting her guilt and she was using the duplicate tobacco for beedis. Whereas the defacto complainant alleged in the complaint as if her signatures were obtained on blank papers, which is a matter of investigation. As per clause 5 of the agreement dated 25.09.2010, if the commission agent is unable to perform her duties properly, the company is authorized to forfeit the security deposit. Regarding commission and security deposit due, her remedies are elsewhere.

Having regard to the above, the Criminal Petition is allowed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:22.01.2019
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

CRIMINAL PETITION No.10134 of 2018

Date: 22.01.2019

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