

(2000) 01 AHC CK 0176

Allahabad High Court

Case No: Criminal Miscellaneous Case No. 354 of 1997

Sheo Kumar Singh

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: Jan. 11, 2000

Acts Referred:

- Penal Code, 1860 (IPC) - Section 406, 418, 420, 422

Citation: (2001) 1 ACR 358

Hon'ble Judges: M.A. Khan, J

Bench: Single Bench

Judgement

M.A. Khan, J.

Heard parties" counsel and I have gone through the record.

2. The Petitioner on hire purchase agreement was supposed to pay the amount in instalments. There is an agreement (Annexure-1) on record between the parties and it mentions every clause. Therefore, if there had been any breach of contract in the agreement, the remedy by way of its enforcement lies in the competent civil court on civil side and the proceedings under Sections 406, 420, 418 and 422, I.P.C. in Crl. Case No. 3216 of 1990 are mala fide and gross abuse in process of law and are hereby quashed.

3. With this observation, the petition stands disposed of finally.