

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3155 of 2015

and

CRIMINAL PETITION NO.10068 of 2014

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COMMON ORDER:

In these two Criminal Petitions filed under Section 482 Cr.P.C., the petitioners/A4, A5, A7, A8, A9 and A10 in CrI.P.No.3155 of 2015 and petitioner/A6 in CrI.P.No.10068 of 2014 seek to quash the proceedings in C.C.No.672 of 2013 on the file of III Additional Chief Metropolitan Magistrate, Vijayawada.

2) The prosecution case is that A1 and A2 are residents of Seetharampuram, Vijayawada and they are husband and wife and they are running milk booth. LW1—defacto complainant is also residing in Seetharampuram and he got acquaintance with A1 and A2. While so, A1 and A2 introduced A3 to A5 to LW1 and induced that they are getting gold directly from Dubai and so that they can arrange gold at cheap price. Believing their version on 07.06.2009, LW1 arranged Rs.4,10,000/- to A3 to A5 in the presence of A1 and A2 at their house. Subsequently, again on 02.07.2009, LW1 arranged another sum of Rs.3,00,000/- to A3 to A5, A7 and A8 on the assurance of A6 who is an advocate, at his office situated on the upstairs of milk booth of A1 and A2 in the presence of A2. Further, again on 05.08.2013, LW1 and his father-in-law i.e. LW3 arranged Rs.5,00,000/- to A3 to A5, A9 and A10 in the presence of A2. Thus, LW1 arranged a total sum of Rs.12,10,000/- to A1 to A10 on three occasions. When the

complainant was asking for gold, the accused used to postpone on one pretext or other. Finally, when LW1 asked the accused about gold they denied having received any amount from him and threatened with dire consequences. Thus, all the accused cheated LW1. On his report, the police of Suryaraopet PS, Vijayawada registered a case in Cr.No.169 of 2010 and after investigation laid charge sheet against A1 to A10 for the offence under Section 420 IPC. The charge sheet was taken cognizance and registered as C.C.No.672 of 2013 and pending on the file of III Additional Chief Metropolitan Magistrate, Vijayawada.

3) The petitioners while denying the charge sheet allegations submitted that no offence is made out against them and they are innocent and a false case has been foisted against them and thus sought for quashment of proceedings.

4) Opposing the petition, learned Additional Public Prosecutor argued that there is overwhelming evidence to show that accused dishonestly induced LW1 and received Rs.12,10,000/- on three different occasions on a false promise of delivering gold at a cheaper rate and ultimately cheated him. He thus prayed to dismiss the petitions.

5) A perusal of the charge sheet and 161 Cr.P.C. statements filed by Additional Public Prosecutor shows that LW1—defacto complainant and LW2 and LW3 who are his relations, have categorically deposed about LW1 paying amounts to the accused on different occasions on their promise of getting gold at cheaper rate from Dubai and later when the complainant

questioned about gold their denying receiving of amount and threatening him with dire consequences. When the charge sheet and the statements of the witnesses are uncontroverted, they would unerringly show a *prima facie* accusation against all the accused. Hence, in my considered view, petitioners do not deserve quashment of proceedings.

6) In the result, these two Criminal Petitions are dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 30.04.2015
Murthy