

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL PETITION NO. 589 OF 2013

ORDER:

None appears even today and there is also no representation on behalf of the petitioners.

This petition is filed for quashing the proceedings in C.C.No.293/2012 on the file of the Additional Junior Civil Judge-cum-Judicial First Class Magistrate at Bapatla. The first respondent herein was the *defacto* complainant. In her complaint, it has been set out that she sold a house site belonging to her at Bapatla town for a sum of Rs.1,70,000/-, out of which she paid Rs.1,00,000/- to her son, whose whereabouts are not known to her nowadays. Out of the balance Rs.70,000/-, she utilized Rs.10,000/- and she paid Rs.10,600/- to the complainant herein who is said to be working with Murthoot Finance Private Limited Company at Bapatla branch for securing release of her gold ornaments which have been pledged by her son with the said finance company. She has kept in a fixed deposit, the balance amount of Rs.50,000/-with Vijaya Bank. However, the petitioner herein, taking advantage of his acquaintance with the *defacto* complainant, approached her with a promise to pay higher rate of interest at 2% per month for the money and consequently, made the *defacto* complainant cancel her fixed deposits with Vijaya Bank and gave money to the petitioner herein. After receiving the said money, it is stated in the complaint that the petitioner has paid interest to the *defacto* complainant for a period of three months and thereafter, stopped paying any money, even though the *defacto* complainant has not even executed any promissory note also. When she made enquiries, the Muthoot Finance Private Limited Company informed that the petitioner herein has not deposited any such money with the said company. Since, a *prima facie* case is made out, the circumstances do not warrant quashing of the charge sheet.

Accordingly, this criminal petition stands dismissed.

Consequently, miscellaneous applications pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

23.06.2015
sp