

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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CRIMINAL PETITION NO.8745 OF 2015

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JUDGMENT:

This petition is filed under Section 482 of Criminal Procedure Code to quash the charge sheet filed in C.C.No.324 of 2014 on the file of III Additional Judicial First Class Magistrate, Khammam, on the ground that there is no *prima facie* material against the petitioner to proceed against her before the trial court.

2. The case of prosecution is that on 12.07.2014 at 21:00 hours, the complainant Mannepalli Ajay Kumar, S/o. Late Koteswara Rao – Unofficial respondent herein, Private employee, resident of Srinivasanagar, Khammam, lodged a complaint, alleging that in the year 2013, he purchased a Hyundai i20 Sports model car bearing No.AP 28 DR 8997 and paid vehicle insurance for the year 2013-2014 and he has to renew his insurance policy for the year 2014. On 06.01.2014, he called one Kommera Ravi Kumar, Vehicle Insurance Agent to his house for payment of Insurance amount, accordingly at 10:00 AM, the said agent came to his house and asked him to pay Rs.23,500/- for renewal of the policy, upon which initially he paid Rs.1500/-, later the agent asked him about balance amount of Rs.22,000/- and on 13.01.2014, when the complainant was at Hyderabad, deposited Rs.22,000/- to the credit of account bearing No.06311140000664 of the agent and on the same date, the agent sent a cover note on the name of Royal Sundaram Insurance company to him through e-mail mentioning that the effective date and commencement of date of insurance is from 13.01.2014 at 09:00 AM to 12.01.2015 midnight. Unfortunately, on 22.02.2014, while the complainant was returning from Hyderabad to Khammam, on the way his car met with an accident and sustained damage. Later, he returned to Khammam and narrated about the accident to the insurance agent Ravi Kumar and shown the photographs of the scene of accident, which were taken with his cell phone, thereby the agent promised him to cover Insurance policy and collected an amount of Rs.35,000/- and taken signatures of the petitioner on the Insurance policy bond, but the said agent Ravi Kumar could not pay the Insurance premium before

expiry of the policy i.e., on 13.01.2014, but paid the premium on 22.02.2014 covering the risk for the period from 22.02.2014 to 21.02.2015 and handed over a slip to him and that the papers prepared by the agent are fake, thus, the petitioner and respondent, being wife and husband, colluded together and made the complainant to suffer huge loss and appropriated the same for himself, thereby cheated the petitioner, thus the Accused Nos. 1 and 2, being wife and husband, are liable for punishment under Section 420 read with 34 IPC.

3. The case of the petitioner is total denial and that the petitioner is the house wife and not concerned with the collection of amount, but, the insurance agency was registered in her name. It is contended that, she is implicated in the above crime and that there is no material to proceed against her in the above C.C. and prayed to quash the charge sheet filed by the Sub Inspector of Police, Khammam III Town Police Station, in C.C.No.324 of 2014 on the file of III Additional Judicial First Class Magistrate, Khammam.

4. A bare look at the record available, it disclose *prima facie* case against the petitioner and her husband who collected huge amount from the respondent-complainant and appropriated the same but without depositing the amount within the time to obtain insurance policy, covering the risk of vehicle bearing No.AP 28DR 8997, but the amount was directly collected by the husband of the petitioner not by the petitioner herself. Though the petitioner alone is the agent and furnished a cover note, A1 and A2 are none other than wife and husband and *prima facie* amount of Rs.22,000/- was deposited in the account No:06311140000664 for payment of policy premium covering the risk of the vehicle and A1 produced a cover note, but it consists the agent name as 2nd respondent. Therefore, I find *prima facie* material against the petitioner to proceed further. Hence, I find that it is not a fit case to quash at this stage.

5. Learned counsel for the petitioner specifically contended that the petitioner is a house-wife and requested to dispense with her presence before the trial court by exercising power under Section 482 of Cr.P.C. Such an order cannot be passed when a specific remedy is available to move appropriate application before the trial court to dispense with her presence subject to satisfying the requirements to dispense with the presence of the petitioner. Therefore, liberty is given to the petitioner to move appropriate application to dispense with her presence before the

trial court and the trial court may consider the said application and pass appropriate orders, in accordance with law.

6. With the above observation, Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed. No costs.

M.SATYANARAYANA MURTHY, J

Date:01.10.2015

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