

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9423 of 2015

Between:

Devarapalli Demudu

..... PETITIONER/ACCUSED

AND

The State of Andhra Pradesh,
Rep.by its Public Prosecutor,
High Court at Hyderabad and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9423 of 2015

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in Cr.No.689/2012 on the file of Kancharapalem Police Station, Visakhapatnam, registered for the offence punishable under section 420 IPC.

Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor, representing the State.

The allegations in brief are that the 2nd respondent/*de facto* complainant who was expecting job as a Sweeper has approached the petitioner/accused after having heard that he was helping people in getting employment. In that connection, the *de facto* complainant is said to have paid Rs.1,00,000/- to the petitioner on 27.09.2008, but she did not receive any communication and the petitioner/accused is dodging the issue. Ultimately, on 23.09.2012 when the *de facto* complainant demanded the petitioner/accused for refund of money, the petitioner/accused beat her and her husband, abusing them in filthy language and threatened to spoil the career of their son.

The learned counsel for the petitioner/accused would contend that the incident is alleged to have taken place on 23.09.2012 and the complaint is lodged on 15.11.2012 with inordinate delay and hence the proceedings are liable to be quashed.

Delay itself is not a ground for quashing the proceedings. The *de facto* complainant is waiting from 27.09.2008 with a hope of getting employment with the help of the petitioner/accused. Even after the incident also she waited for the response on the part of the petitioner/accused with regard to her money said to have given to the petitioner/accused. I feel that it is not a fit case where the proceedings can be quashed and hence it is liable to be dismissed.

The Criminal Petition is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 09.10.2015

Dsr

