

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

-

CRIMINAL PETITION No.2981 of 2015

ORDER:

The instant Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the FIR.No.254 of 2011 of Jubilee Hills Police Station, Hyderabad, against the petitioner, who is arraigned as accused No.3, for the offences punishable under Sections 384, 468 420, 406 and 120-B IPC.

The main grievance of the second respondent –complainant is that the petitioner herein must have accompanied with Sri Leela V Prasad and other goondas and got her signatures on blank cheques and utilized the same for the purpose of filing a case under Section 138 of the Negotiable Instruments Act, 1881. This apart, there has been an allegation that Sri Leela V Prasad and his wife, Smt Laxmi, who are accused in a different complaint, culminated into C.C.No.1378 of 2010 on the file of XVII Additional Metropolitan Magistrate, Hyderabad.

Keeping in view, the above allegations, learned counsel for the petitioner submits that only on suspicion the petitioner is arraigned along with others and, therefore, sought to quash the proceedings as it is a clear abuse of process of law.

Learned Additional Public Prosecutor appearing for the Andhra Pradesh State resisted his request.

Except the complaint and FIR, there is no other material available on record to cull out abuse of process of law and to quash the FIR. The allegations

herein are prima facie sufficient to go further by the investigating agency to unravel the truth as to the complicity of the petitioner in the commission of offences alleged against him by the complainant only on completion of investigation. Therefore, it is not a fit case to quash the first information report. However, keeping in view the request made by the learned counsel for the petitioner, and in view of the averment aforementioned contained in the complaint, the Jubilee Hills Police, Hyderabad are directed not to arrest the petitioner during the course of investigation. The petitioner shall cooperate with the police for completion of investigation by appearing before them as and when asked.

The Criminal Petition is, accordingly, disposed of.

As a sequel thereto, miscellaneous applications pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

Date:01.05.2015

Note:CC by 04.05.2015

bo

usd

