

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRIMINAL PETITION No.2606 of 2015

ORDER:

This petition is laid under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner, who is arraigned as accused No.2 in Crime No.250 of 2014 of Proddatur Town Police Station, YSR Cuddapah District, alleging the offences punishable under Sections 420 and 506 I.P.C., requesting to quash the proceedings against him.

2. The facts, as seen from the F.I.R., would reflect that the 2nd respondent herein along with Kakumani Babu, Vankadhara Sridhar and K.Srinivasulu has been dealing with construction business, and, Tayi Prathap – accused No.1, who is brother-in-law of Vankadhara Sridhar, resident of Chennai, along with the petitioner – accused No.2 was running building construction works in Chennai as well as Bangalore under the name and style of 'Envision Developers'. It is alleged that both the accused assured him (2nd respondent herein) and his associates that they would pay three times more, the amount which they would give, within a year and believing the said representation, an amount of Rs.5,00,000/- was given to them. It is alleged that even a receipt was passed on the letterhead of 'Envision Developers', which is finding place at page Nos.13 and 14, which evidences the payment of Rs.5,00,000/- to the accused. Subsequently, on demand, after lapse of one year, the amount of Rs.5,00,000/- was not returned, and, having realised that he was cheated, lodged the complaint against both the accused for the offences punishable under Sections 420 and 506 I.P.C.

3. Heard Sri B.Chandrasen Reddy, learned counsel for the petitioner/accused No.2, and the learned Additional Public Prosecutor for the State.

4. During the course of arguments, the learned counsel for the petitioner submits that it was a conspiracy between the 2nd respondent and the 1st accused in view of their intimate relationship, and that only to see that the petitioner will come to terms in C.S.No.171 of 2013 on the file of the Hon'ble High Court of Madras in regard to partnership dispute between the petitioner-A.2 and the 1st accused, and

the said civil suit, since reached the stage of trial, a false complaint was lodged through the 2nd respondent herein by the accused No.1. It is also contended that the petitioner/A.2 alone was arrested and accused No.1 was not arrested and that itself would expose the falsity of the complaint lodged by the 2nd respondent.

5. Learned Additional Public Prosecutor represents that accused No.1 was in fact arrested on 03.02.2015, as per the instructions he received from the investigating officer, whereas the petitioner/A.2 was arrested on 27.01.2015, and both were enlarged on bail by the concerned Court and the copy of the instructions has also been shown to the Court. In such an event, the argument of the learned counsel for the petitioner that the accused No.1 was not arrested, appears to be not correct.

6. When perused the material placed before the Court, the cause of action for the civil suit before the High Court of Chennai is different from the cause occasioned for lodging the complaint herein. When there is receipt said to have passed on behalf of the 'Envision Developers' on its letterhead dated 05.03.2011, at this stage, it evidences passing of amount of Rs.5,00,000/- from the 2nd respondent to the petitioner/accused No.2 and accused No.1. Therefore, at this stage, the material on record is *prima facie* sufficient to investigate into the allegations, as there are no grounds for quashing the proceedings.

7. Therefore, the criminal petition is dismissed. It is observed that the investigating agency shall conduct investigation uninfluenced by the observations, if any made herein.

8. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

07th April, 2015

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