

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.815 of 2015

ORDER:

Upon hearing both sides, at the admission stage, the following order is passed:

The private complaint lodged by the complainant was forwarded to the Police of Afzalgunj Police Station and the Police registered the same as a case in Cr.No.701 of 2013 for the offence under Sections 420 and 406 IPC on the allegation that petitioner/Accused No.2 along with A.1 approached the complainant, who is a business man, and expressed their need and necessity for money to an extent of Rs.50,00,000/- for carrying out charitable activities and in spite of expressing inability to provide huge amount by the complainant, they convinced and promised him to return the said amount with benefits in the form of interest and on their representation, he deposited an amount of Rs.27,50,000/- in the bank account of A.1 and subsequently, A.1 issued a cheque for a sum of Rs.35,00,000/- in favour of complainant and the same was returned for 'payment stopped by drawer' and thus both the accused cheated him. The investigation is reported to be pending.

The learned counsel for the petitioner/Accused No.2 seeks quashment of the proceedings on the submission that specific allegations are made against accused No.1 only as he allegedly collected the amount from the complainant and issued a cheque and also stopped payment and the petitioner/A.2 has no role and besides, he is a senior citizen and a retired Central Government Engineer.

A perusal of the complaint allegations would read as if both the accused approached the complainant and requested him for alms with a promise to return the amount with benefits with interest. Having regard to the specific allegations against the petitioner/A.2 also, it is not a fit case to quash the proceedings.

With the above observation, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

18-02-2015

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Dt. 18.02.2015

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