HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.12072 of 2014

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioners/A1 to A5 seek to quash the proceedings in Cr.No.177 of 2014 of Tirupati East PS.

2) On the report given by K.Latha—defacto complainant, the police registered Cr.No.177 of 2014 for the offence under Section 420 IPC against the accused and investigating the matter.

3) The allegations in brief are that the husband of complainant is a Professor in TTD Ayurveda Hospital and College at Tirupati and the complainant knows A1 since long and A1 got admitted the complainant in *AMWAY* chits. A2 is the husband of A1 and he is also a member of *AMWAY*. After developing the acquaintance, A1 got admitted the complainant in the chits run by her and complainant subscribed lakhs of rupees in the chits. Further, A3 who is the father of A1 represented the complainant that he knows the organizers of Raghavendra Chit Funds, Puttur and advised the complainant to subscribe amounts in the said chit funds also and took lakhs of amounts from her on the pretext of subscribing in the said chit funds. Apart from that, A1 took Rs.7 lakhs for the operation of her father-in-law. Not only that A5 who is the father of A2, kept his original sale deed with the complainant and took Rs.40 lakhs from her. Added to it, A1 and A2 took gold ornaments worth Rs.30 lakhs from M/s.Sunitha Jewellers, Hyderabad belong to one Sunitha who is the friend of complainant by using the name of complainant. A3 and A4 took Rs.6,30,000/- worth diamond bangles from the said shop on another occasion, using the name of complainant. Further, on another instance A1 to A4 took Rs.5 lakhs worth of gold ornaments from the said shop using the name of complainant. Apart from the above, the accused have cheated the complainant in many other ways. When the complainant telephoned to A1 and asked to return her cash and gold ornaments, A1 admitted the misdeeds of all the accused and the complainant recorded their phone conversation. Knowing this fact, on 18.08.2013 at about 6 PM all the accused came to the house of complainant and threatened her with dire consequences. In all, the accused have cheated her to a tune of Rs.1,81,00,000/-. Further, on the apprehension that complainant

may file a case against them, A1 filed a false complaint against the complainant as if she was threatening them but the police after investigation found that there was no fault of the complainant.

The case is under investigation.

4) Denying the FIR allegations, learned counsel for petitioners vehemently argued that FIR in the instant case was lodged by complainant—Latha only as a counter blast to the FIR No.388 of 2013 lodged by the 1st petitioner herein. Learned counsel submitted that in fact the present complainant and her assistant—Navin hatched a plan and accordingly the said Navin telephoned to 1st petitioner and threatened that unless she pay amount to him, he would kidnap her daughter and kill her and in such helpless situation, on his advice the 1st petitioner approached the complainant—Latha and borrowed Rs.15 lakhs and paid to him and Latha collected Rs.40 lakhs towards principal and interest from the 1st petitioner and still she claim that the 1st petitioner was in due of Rs.1.5 crores and later the 1st petitioner came to know that in fact Latha and said Navin conspired and telephoned her extorted money from her. Learned counsel submitted that the 1st petitioner lodged FIR No.388 of 2013 with SHO, Tirupati East PS against Latha and her assistant—Navin and in order to wriggle out of the said case, Latha hatched a plan and lodged FIR No.177 of 2014 with all false averments. Learned counsel submitted that all the complaint allegations are false and hence the proceedings may be quashed.

5) Learned Public Prosecutor opposed the petition and submitted that FIR allegations would show all the accused conspired and extracted money from the complainant and cheated her ultimately and prayed that petition may be dismissed.

6) If the FIR allegations are uncontroverted, they would reveal a strong *prima facie* accusation against all the accused. I have also gone through the copy of FIR in Cr.No.388 of 2013 lodged by 1st petitioner. No doubt, the said FIR is lodged as if the present complainant and her assistant—Navin extorted money from the 1st petitioner. Be that it may, the ultimate truth can be exhumed only after a thorough investigation. Hence, investigation must be continued. As the matter stands, it is not a fit case to quash the proceedings.

7) Accordingly, this Criminal Petition is dismissed with a direction to police to complete the investigation expeditiously.

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

U. DURGA PRASAD RAO, J

Date: 08.04.2015

Murthy